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CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATIO

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DECEMBER, 1879.

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1879.

PUBLICATION COMMITTEE.

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F. B. SANBORN.
HAMILTON A. HILL.
FRANCIS WAYLAND.
T. W. HIGGINSON.
HORACE WHITE.

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TRANSACTIONS OF THE ASSOCIATION, 1879.

During the Saratoga meeting of 1879, several matters of business were transacted by the Association and its Departments. On September 10, upon motion of President BARNARD, of Columbia College, a committee of five was appointed (after the submission of a paper by ROBERT NOXON TOPPAN, of New York, on The International Unit of Money), to consider and report on the subjects of weights, measures and coinage.

The Chair appointed as such committee, President F. A. P. Barnard, of Columbia College; Robert Noxon Toppan, of New York; Prof. William Watson, of Boston; Francis A. Walker, of New Haven, and Prof. Julius E. Hilgard, of Washington. On the same day this committee, through Messrs. BARNARD, WALKER and WATSON, reported the following resolutions, which were adopted:

I. INTERNATIONAL COINAGE.

Whereas, All the efforts which have been hitherto made by diplomatic correspondence or by international conferences, to effect the unification of the monetary systems of the world, have signally failed; and whereas, such failure has been evidently owing to the fact that the world is not yet prepared and cannot be induced to adopt any single monetary system, no matter how manifest its merits, to the entire exclusion of all those which use has made familiar; and whereas, the creation of a system of coinage for international purposes does not appear to involve the necessity of displacing or interfering with national systems already existing, while, if established on a judiciously chosen unit, such international system may blend with and form a part of all local systems; and whereas, the gram weight of gold, nine-tenths fine, affords a value in sufficiently convenient relations with the gold coins of the principal commercial nations, to serve as such international unit; therefore,

Resolved, That the creation, by convention between the leading powers of the civilized world, of an international coinage, founded on the gram weight of gold, nine-tenths fine — the coins of such systems to bear no denominational stamp but that of their metric weight — would, in view of this Association, contribute materially to facilitate the business of international exchanges, and would constitute an important step toward the possible unification of all the monetary systems of the world.

II. The Metric System.

Resolved, That this Association regards with satisfaction the growing disposition of the people of the United States to discard their present system of weights and measures and to substitute for it the simple system founded on the meter, now so widely prevalent among civilized nations.

Resolved, That the legislative acts of the States of Massachusetts, Connecticut and New Jersey, favoring the metric system and requiring that instruction in the principles of the system be given in the primary schools, and especially the liberal provision made by the two States last named for supplying the schools with apparatus for illustrating the operation of the system in practice, are, in the view of this Association, highly to be commended and worthy to be imitated by the legislatures of the remaining States and territories.

Resolved, That the bill reported by the Committee of Weights, Measures and Coinage of the House of Representatives of the United States at the recent session of the 46th Congress, providing that hereafter the unit of weight in the postal service of the United States shall be fifteen grams instead of one-half ounce avoirdupois, as at present; and also, the bill providing that hereafter the metric denominations of weights and measures shall be introduced into and made obligatory in the service of the custom houses, for invoices expressed metrically, appear to this Association to embody wise and judicious measures of preparation for the future introduction of the system into general use in the business of the country, and that as such they ought speedily to become law.

Resolved, That copies of the foregoing resolutions, duly attested, be communicated to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Committee of Finance of the Senate, the Chairman of the Committee of Weights, Measures and Coinage of the House, and the Governors of the several States and Territories.

On the same day, the Association elected as Honorary Members, Henry W. Acland, M. D. F. R. S., of Oxford, England; Mrs. Elizabeth Thompson, of New York; Miss Elizabeth P. Peabody, of Concord, Mass.

On September 10, in the Department of Education, it was voted to appoint a committee to report upon the Kindergarten Schools of the United States. On the 12th, in the Department of Social Economy, on motion of Mr. J. D. Weeks, of Pittsburg, it was voted to appoint a committee of three or more, to investigate the history and present condition of American trades-unions, and other matters connected with the relations of labor and capital.

At business meetings held on the 9th and 10th of September, the following Report, made by Professor WAYLAND, as Chairman of a Special Committee, was debated, accepted and adopted:

"The Committee to which was entrusted the duty of reporting some plan for increasing the efficiency and reducing the expenses of this Association, beg leave to recommend:

1. That for the present, at least, we cease to maintain an office, and that the Executive Committee shall meet only when, in the opinion of the President or Secretary, such meeting shall be necessary.

2. That the regular Annual Meeting shall be held, as hitherto, in Boston, in January, 1880, at which time the members of the Association will be asked to decide whether we shall not be limited in our meetings to the General Session in September.

3. That a General Secretary be appointed to hold office for three years, with a salary of $750."

At a meeting of the Executive Committee, held in Boston, October 10, 1879, it was voted to submit to the Annual Meeting of the Association, in Boston, January 14, 1879, the following proposed amendments to the Constitution, in order to carry out the vote passed at Saratoga:

1. That the Annual Meeting, now held on the second Wednesday of January, be held at the same time with the General Meeting for Papers and Debates.

2. That the Executive Committee be reduced in number to twenty-three, namely: a President, ten Directors, five Chairmen of Departments, a General Secretary, a Treasurer, and the Secretaries of the five Departments; that these shall be called the Council of the Association; and that, instead of ten, there be not exceeding twenty honorary Vice-Presidents.

3. That the Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best, and that the present Department Committees be discontinued.

4. That the General Secretary be elected for three years, unless he resigns or is removed by a two-thirds vote of the members present and voting in the Council, and that out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

The Constitution as it stands, is as follows:

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five Departments: the first,

of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, ten Vice-Presidents, a Treasurer, and a Secretary; an Executive Committee, charged with general supervision; five Department Committees, established by the Executive Committee, charged with the supervision of their respective departments; and such local committees as may be established by the Executive Committee at different points, to serve as branch associations. The Executive Committee shall consist of the President, Vice-Presidents, Treasurer, and Secretary, the Chairman and Secretary of each Department Committee, and twenty or more Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-President, Treasurer, Secretary, and Directors shall be chosen annually by the members of the Association on the second Wednesday of January, and shall hold office till their successors are chosen. The President, or, in his absence, a Vice-President, shall be Chairman of the Executive Committee. The Chairmen of the Department and Local Committees shall be chosen at the pleasure of their respective committees. Whenever a branch association shall be organized and recognized as such by the Executive Committee, its President shall be *ex officio* one of the Directors of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a local department shall be organized and recognized as such by the Executive Committee, its Chairman shall become *ex officio* a Director and member of the parent Association.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Executive Committee shall have sole power to call and conduct general meetings, and to publish the Transactions and other documents of the Association. The Department Committees shall have power to call and conduct department meetings.

VI. No amendment of this Constitution shall be made, except at an Annual Meeting, with public notice of the proposed amendments.

THE GENERAL MEETING OF 1879.

Held at Saratoga Springs, N. Y., September 9-12, 1879.

It has been the custom of the American Social Science Association to hold two meetings in a year, besides department meetings. The Annual Meeting, by custom, is held in Boston on the second Wednesday in January. It is principally a meeting for business, — the election of officers, hearing of reports, etc., — but a few general papers are read. The General Meetings of the Association for papers and discussions have been held in different cities from year to year; sometimes in the spring, and sometimes in the autumn. That for 1873 was held in Boston (May 13-15); that for 1874, in New York (May 19-23); that for 1875, at Detroit; that for 1878, at Cincinnati, and those for 1876, 1877 and 1879, at Saratoga. The first General Session in 1879 was on Tuesday evening, September 9, at 8, P. M.; and afterward, on the three following days, the General Sessions were twice, and sometimes thrice, a day, continuing until 5, P. M., Friday, September 12, at which hour the sessions finally closed. The Department of Education held sessions on Wednesday; those of Health and Jurisprudence on Thursday; that of Social Economy on Friday. A full report of all that was read and said would fill more than eight hundred pages of our Journal. The papers in the list below marked * are printed in the present number of the *Journal*,—the others may be published in 1880. The Proceedings of the Conference of Charities in Chicago, as printed last October, cover more than two hundred and thirty pages.

I. The General Session.

TUESDAY, SEPTEMBER 9, 1879.

At 8, P. M. Business Meeting of the Association.

At 9, P. M. Annual Report, by Mr. F. B. SANBORN, of Concord, Mass., Secretary of the Association.

WEDNESDAY, SEPTEMBER 10.

At 9, A. M. Report and Resolutions on *International Coinage.*

At 10, A. M. A Paper by President PORTER, of Yale College, on *Modern Education, its Opportunities and Perils.*

At 11, A. M. A Paper on *The Regulation and Control of the Degree Conferring Power in American Colleges*, by President BARNARD, of Columbia College.

* At 11.30, A. M. A Paper by Prof. A. P. PEABODY, of Harvard University, on *The Voting of Women in School Elections.*

* At 3, P. M. A Paper by Prof. S. WELLS WILLIAMS, of Yale College, on *Chinese Immigration.*

At 4.30, P. M. A Paper by GEORGE T. ANGELL, Esq., of Boston, on *The Manufacture and Sale of Poisonous and Dangerously Adulterated Articles.*

* At 8, P. M. Annual Address, by the President of the Association, D. C. GILMAN, LL.D.

THURSDAY, SEPTEMBER 11.

At 9, A. M. A Report by Prof. WILLIAM WATSON, of Boston, on *The Protection of Life from Casualties in the use of Machinery.*

* At 10.30, A. M. An Address by GEORGE E. WARING, JR., Esq., of Newport, R. I., on *The Sewerage of Village Cities*, followed by a debate.

At 3, P. M. A Paper by CHARLES P. RUSSELL, M. D., of New York, on *The Sanitary Condition of Tenement Houses*, followed by a debate.

At 4, P. M. A Paper by CHARLES F. WINGATE, of New York, on *Tenement House Reform.*

At 5, P. M. Remarks by Prof. HENRY W. ACLAND, of Oxford (England), on *The Union of Sanitary and Poor-Law Administration in England.*

* At 8, P. M. A Paper by President ANDERSON, of Rochester University, *How far is Christianity Recognized in the Common Law?*

* At 9, P. M. A Paper by HAMILTON A. HILL, Esq., of Boston, on *The Place of the Practical Man in American Public Affairs.*

FRIDAY, SEPTEMBER 12.

At 10, A. M. Papers on the *Emigration of Colored Citizens from the South*, by FREDERICK DOUGLAS, Esq., of Washington, and Prof. R. T. GREENER, of Howard University.

At 12, M. A Paper by WILLIAM A. HOVEY, Esq., of Boston, on *Co-operative Stores in England and America.*

At 3, P. M. A Paper by WILLIAM F. FORD, Esq., of Philadelphia, on *Debt-Making and Debt-Paying in American Cities.*

At 4.30, P. M. A Paper by Mrs. ORRA LANGHORNE, of Lynchburg, Va., on *Colored Schools in Virginia.*

At 5, P. M. A Paper by ROBERT P. PORTER, Esq., of Chicago, on *The West from a Financial Standpoint.*

II. Department Meetings.

WEDNESDAY, SEPTEMBER 10.

Department of Education.

(Prof. WINSOR in the Chair).

* At 3, P. M. An Address by Prof. W. T. HARRIS, of St. Louis, on *Methods of Study in Social Science.*

* At 3.30, P. M. A Report by the Secretary of the Department, Mrs. I. T. TALBOT, of Boston.

At 4, P. M. A Paper by JOHN W. DICKINSON, Esq., Secretary of the Massachusetts Board of Education, on *Methods of Education.*

At 5, P. M. A Paper by Prof. JUSTIN WINSOR, of Harvard University, on *College Libraries.*

THURSDAY, SEPTEMBER 11.

Department of Jurisprudence.

(Prof. WAYLAND in the Chair.)

At 10.30, A. M. A Paper by Dr. FRANCIS WHARTON, of Cambridge, Mass., on *The Limits of Punishability.*

* At 12 o'clock. A Paper by FREDERIC H. BETTS, Esq., of New York, on *The Policy of the Patent Laws.*

* At 3, P. M. A Paper by Prof. THEODORE S. WOOLSEY, of New Haven, on *The United States and the Declaration of Paris.*

* At 4, P. M. A Paper by Prof. SIMEON E. BALDWIN, of Yale College, on the *Recent Changes in our State Constitutions.*

FRIDAY, SEPTEMBER 12.

Departments of Social Economy and Finance.

(Hon. W. P. LETCHWORTH in the Chair.)

At 9, A. M. Report of the Secretary of the Department of Social Economy, Mr. F. B. SANBORN, of Concord.

At 10, A. M. A Paper by CHARLES L. BRACE, Esq., of New York, on *The Care of Poor and Vicious Children,* followed by a debate on *Institution Life for Children.*

* At 3, P. M. A Paper by JOSEPH D. WEEKS, Esq., of Pittsburg, Pa., on *Industrial Arbitration.*

At 4, P. M. A Communication from JAMES SAMUELSON, Esq., of Liverpool (England), on *Co-operation in England.*

At 5, P. M. A Paper by R. G. ECCLES, Esq., of Brooklyn, N. Y., on *The Labor Question.*

A few volunteer Papers and Communications are omitted from the above list. The debates of the Association were not reported.

AMERICAN EDUCATION, 1869–1879.

ANNUAL ADDRESS OF THE PRESIDENT, D. C. GILMAN, LL.D., DELIVERED IN SARATOGA.

(Wednesday Evening, September 10, 1879.)

LADIES AND GENTLEMEN: — Custom indicates that the Annual Address, on an occasion like this, should be devoted to a review of the entire field which the Association occupies, or to some portion thereof with which the speaker is particularly acquainted. Honored by your confidence, I shall be governed by this usage, and shall ask you to consider this evening, AMERICAN EDUCATION, in some of its broadest and freshest aspects; to look at the recent progress and present condition of instruction in this country, not as annalists, nor as statisticians, nor as teachers, but as citizens, and (without being restricted by dates) to cast your glance backward chiefly upon the movements of the last ten years, I need hardly add that the time at our command will only permit us to take a bird's eye view.

While I shall scarcely refer to other branches of social science, I would not seem to be indifferent to their progress, or unmindful of the fact that education is but one of several forces upon which the progress of civilization depends. We cannot forget that the life of a nation is affected by the territory upon which it dwells, and by natural laws, which science, with its skilful hand, is steadily revealing. The extent, the structure, the climate, the products, the geographical relations of the United States, have had much to do in determining the character of our intellectual activity. Then there are the subtle influences which our institutions have inherited from Anglican, Teutonic, Roman, Jewish, and other remote societies, binding us by ties which we can neither sever nor detect.

These natural and historical conditions govern our *Laws*, the written and unwritten statutes and principles by which public order is secured; our *Industries*, by which we produce, transform, transport and exchange wealth; our *Religion*, the precepts, doctrines and rites which guide our spiritual lives; and our EDUCATION, the manifold contrivances which we employ for the improvement of the mind; and finally these four agencies act and react upon one another with complex involutions, not easily analyzed.

In selecting the subject of Education, you will, perhaps, allow me to say that within the decade I have lived in the East and in the West, in the North and in the South, and have had occasion to visit educational establishments, and to talk with teachers and administrators in a large majority of the States of the Union; so that while I do not expect to bring forward any facts which will be striking or novel, I may hope to give a fair exhibit of the present condition of instruction in the country at large, and to indicate, as we pass from topic to topic, some of the tendencies of our institutions, and some of the discussions which are now in progress.

As I enter upon this review, I am reminded of two early officers of our Association who are no longer here to inspire and teach us. One of them delighted to discover underlying principles; the other was skilful in devising methods of operation; one was a humane philosopher, the other a thoughtful philanthropist; one was a profound writer, the other a skilful worker; both are known abroad as well as at home; both will be honored by future generations as truly as by our own; both (with a coincidence which illustrates their diversity and their sympathy,) were interested in the instruction of Laura Bridgman,—the one, as an inquirer into the origin of speech,—the other as a teacher of the unfortunate. You perceive that I refer to Dr. FRANCIS LIEBER, and Dr. SAMUEL G. HOWE, typical examples of the promoters of social science, whose admirable labors may be emulated, and whose names may be revered so long as philosophy and philanthropy walk hand in hand.

Within the last decade we have had opportunities, better than ever before, for ascertaining the facts in regard to puplic instruction in this country. The census of 1870 brought out as clearly as the law would permit the social economics of the United States, and exhibited in graphic forms the prevalence of illiteracy, and the spread of knowledge. It is a matter of congratulation to us all that the census of 1880 is committed to the skilful Superintendent,

who did so well ten years ago, and who will work next year under Congressional enactments much wiser than those which have governed any previous enumeration of our national resources.

This period has also been noteworthy for the work of the United States Bureau of Education, which was instituted in 1867. Carefully keeping back from all supervisory or authoritative control of our institutions, it has succeeded in bringing together, and tabulating in manageable forms, a vast amount of information in respect to the progress of schools of every grade. The comprehensive and coöperative spirit which governed the organizer of this branch of the Interior Department in 1867, Hon. Henry Barnard, was inherited by the present commissioner, Hon. J. Eaton, who is entitled to the public thanks for the administrative ability he has exhibited under difficult and delicate circumstances.

In the three international exhibitions of Vienna, Philadelphia and Paris (and especially in the last two), a very fair comparison could be made of the educational material (books, instruments, furniture, buildings, etc.,) provided in different parts of this country, with that of other lands. Dr. John D. Philbrick, to whom the exhibit in Paris owed its merits, has made a very compact and valuable statement of the results of such a comparison, upon twenty-one points, in an address which he delivered in Washington early in the present year.*

The private enterprise of Dr. Barnard in continuing his American Journal of Education,† almost, if not quite, as a labor of love in the service of public instruction, and the energy of Mr. Steiger in the preparation and publication of the Cyclopædia of Education, and the supplementary year books, are deserving special recognition.

The excellent plan of printing annual reports of educational progress, has also gained ground within the last ten years; and a very large amount of experience and suggestions has been accumulated in the publications of States, cities and institutions. A more complete system of digesting these returns is greatly to be desired.

On the mention of American education our first thoughts turn to the common schools, almost universally prevalent; gratuitous,‡ free

*U. S. Bureau of Education, Circular No. 2, 1879.

†Especially honored both at Vienna and Paris.

‡ *L'instruction publique est gratuite dans tous les états de l' Union,* was the motto of the United States Educational Exhibit in Paris, 1878.

from church control, governed by local officers, and adapted to all classes of the people. The system is so well understood, far and near, that we need not express our admiration for its germ, its growth, its fruit, or its wide distribution. It is enough to say that the buildings, books, teachers and methods are better now than ever before, and the mechanism, as a whole, never stood so firm or worked so well. It was never more deserving of the confidence of all good citizens. It is the rock of our political institutions. Yet it has been exposed of late, as of yore, to assaults from ecclesiastical and financial objection. Those whose faith requires them to hold that education should always be in the hands of the church, are not likely to accept a secular system, until they have discovered that the voluntary principle may be as efficient in the religious instruction of the young, as it has been in the maintenance of churches. Until the world agrees with the observation of a recent traveller, that, under our present arrangements, "the people of America are to the full as religious as any people of the world," * objections will be made to "Godless schools;" but every attack, whether open or covert, will be met and thwarted as soon as popular attention is aroused. New York, Cincinnati and New Haven are among the more noteworthy battle fields where, within a decade, the religious cry has been heard. Among them all the New Haven story is the most remarkable.

So, also, those who know the extent of municipal extravagance, and feel the burdens of unjust taxation, have directed the economical knife first of all to the excision of high schools and normal schools, and then to the prohibition of all studies not strictly fundamental, thus bringing on discussions which were wholesome if not pleasant, and which have led the school authorities on the one hand to stricter economy, and the tax-payers on the other hand to wiser liberality, because both came to a more accurate estimate of the American system of public instruction, its opportunities and perils.

Besides these fundamental criticisms,—that our system of common schools is "godless" and too costly,—there are minor criticisms made by friends who seek its improvement, not by foes who wish its destruction. There is a general call for a more thorough system of inspection, and for better methods of examination. Regrets are heard that in many parts of the country there is so slight a connection between the common schools and the higher

* Sir Geo. Campbell, 1879.

institutions of learning;* and, on the other hand, credit is given to the University of Michigan for establishing a professorship of Education. The complaint is made by Dr. F. A. P. Barnard, that teachers are most inadequately paid, and by Mr. Philbrick, that their tenure of office is so brief. "It is believed," says the latter, "that the barbarism of subjecting professional teachers to an annual election is unknown outside of our country." It is claimed that our graded schools are adapted only to average wants, so that bright boys and girls are kept back, and the poor and forlorn are not sufficiently considered; Mr. C. F. Adams, Jr., says, in a very suggestive article, that the great end of all school education is to make people able to educate themselves,—and that here our system fails. The common school does not impart a love of good reading, nor teach the scholars how to read wisely. Mr. Edward Atkinson points out this defect, that as a general rule, not even "elementary instruction is given in the simplest principles that underlie the social order of the State and of the nation."†

Instruction in handicrafts is advocated by the State Superintendent in Maryland. He regrets our neglect to provide manual instruction for those who are to be dependent upon manual labor for their support, and he recommends that drawing, "which holds the same place in industrial as reading does in intellectual education," shall be efficiently taught in every school; that girls shall be taught to sew, and that work-shop schools, after the Russian models, be introduced, experimentally, by private subscription, in one or more cities. He believes that when this is done, the next step forward will be obvious.

As an illustration of what may be done in a single town for the improvement of schools, the new departure at Quincy, Mass., should be studied.

The most noteworthy administrative change of the decade is the admission of women to the local school boards in Massachusetts, and the opportunity afforded them in the same State to vote for school officers. The most noteworthy pedagogical movement has been in the introduction of kindergartens, and in the attention bestowed upon Drawing and Vocal Music.‡

* C. F. Adams, Jr., p. 51.

† Edward Atkinson; Labor and Capital, p. 75.

‡ Of the Cincinnati work M. Levasseur said: "The specimens of Drawing are, above all, worthy of note; they show a striking progress during the last few years." Quoted by R. C. McCormick, in the North American Review, July, 1879.

One of the State officials in Massachusetts,* is persuaded that the opponents of free schools in various countries are making an apparently concerted attack upon the public school system of this country, with "an intensity," as he says, "which belongs to a dying cause," and he has consequently made an elaborate statistical inquiry into the influence of different systems of instruction upon crime, pauperism, discontent, and other forms of social disorder. While doubting whether there is a more "concerted" action in assailing than there is in defending the system, we must admit that such studies as Mr. Wright's are of great value; and that it behooves all who are working the system to consider well its deficiencies, and to accept with readiness suggestions of improvement. It is well to be taught by our opponents, not less than by our friends.

The common school system has had some severe strains. In the factory villages of New England, the Irish laborers, who superseded, thirty years ago and more, the American operatives, have themselves been lifted up by an under current of French Canadians, who are not inclined to instruction, and whose children can only be reached by stringent legislation. In many of the Western States, the common school system is intimately connected with the State University, and is thus submitted to animadversions. In the South, the question of races forms a serious obstacle to its maintenance, and it does not yet seem certain what solution will be reached, outside of the large towns. Notwithstanding these strains, we may be assured by the testimony of impartial foreigners, as well as of our own citizens, that the system works well. One of the best and most recent American expositors of its principles, (President Barnard †) declares that "the question should not be how little the State need do, but how much it can do. . . . . It should omit nothing that it is practicable to do, if we desire also that there may be a good government." "The common schools," says another,‡ "are the one thing in regard to which there is no division of opinion in America. The people of the country cling to them, and lavish appropriations upon them, in the firm belief that they are the ark of the national salvation."

When we look above the primary to the "upper schools," as Dr.

*C. D. Wright.
† Address at Albany, July 10, 1879.
‡ Mr. C. F. Adams, Jr.

McCosh has called them in a recent paper,* we discover that there is a general demand for a more general or systematic connection than now exists between the primary school and the college. President Porter, like Dr. McCosh, has repeatedly and eloquently discussed this need. We have in most of our States no organization to be compared with that of the German *Gymnasia*, or the French *Lycées*, or even the English Public Schools. Each region among us has its own establishments — here, private masters; there, endowed academies; again, preparatory collegiate department; there, church schools; and elsewhere, high schools maintained at public expense. There is a general preference, I think, for private endowments like those which for more than two centuries have perpetuated at Roxbury the name of John Eliot, and at Hartford and New Haven the name of Edward Hopkins, or like those younger but not less vigorous plants, at Exeter and Andover, which bear the name of Phillips. A few such gifts have been made within the decade, those for instance of Sylvanus Thayer, at South Braintree, and Charles Morgan, at Clinton; but, considering the attachment of wealthy Americans to their early homes, and their readiness to erect a hotel, or a hall, or an obelisk, *in memoriam*, I wonder that the endowment of academies has not been more common.

Practically, therefore, in the lack of adequate endowments, the voters have taken the matter into their own hands, and from Boston to San Francisco, large towns are generally provided with public high schools. This leaves the smaller towns of the country districts "out in the cold," for private schools of the upper grades find it hard to live, and the high schools of towns and cities rarely encourage, though they sometimes permit, the attendance of pupils not resident within the tax-paying district. Moreover, the public high schools do not always prepare boys for college, and are sometimes even hostile to collegiate instruction. The evil needs a remedy. Boys are sent from California to New England, a distance of three thousand five hundred miles, to secure that training which might just as well be given at the Golden Gate. The cost of sending them to such a distance, if expended at home, would have maintained a good school in which their comrades, less favored by wealth, might likewise have been taught.

Our colleges have made great progress within the last few

* Atlas Essays, No. 9.

years, — most obviously in their buildings, but also in their collections of books and apparatus, and in their plans of study. There has been a remarkable advance in college architecture within a decade — from Cambridge to Berkeley. The square, stiff buildings, which Dr. Holmes once called "the muses' factories," still stand on the older greens — but side by side are the new and ornamental structures inscribed with the names of modern benefactors. Indeed, at the East, a college without a good building is now as rare as a college with a good building was a few years ago.

Remarkable changes have been made in the courses of study, and in the enforcement of discipline. Cornell University, under President White, began upon a liberal plan, not unlike that of the University of Virginia, some forty years before. The undergraduate department of Harvard College has been almost transformed, under President Eliot, into a Faculty of Philosophy, as understood in Germany, with its amplitude of freedom. Yale College has, in name at least, subordinated the old academic department to the more comprehensive Faculty of Philosophy and the Arts, of which the Scientific School was the nucleus. The University of Michigan has done away with the class system. At Columbia, eclectic courses are proposed. The new foundation at Baltimore began on a free plan. These are but examples of a tendency generally recognized throughout the country, to offer a choice among several courses, instead of a curriculum, to the candidates for a Bachelor's degree. The change is costly, requiring more teachers and more halls, — but the gain is undeniable.

Indeed, some such modification of the traditional college course has been required by the advanced age of the students at admission. Upon students who are younger than seventeen or eighteen years of age, a general plan of study may be enforced, a certain amount of language, mathematics and science being a valuable foundation for all later intellectual exertion; but after seventeen or eighteen years of age, marked proclivities and aversions are developed. Now, recent inquiries at Harvard show that the average age of admission is eighteen years and five months. The average age of the last senior class in Columbia was nearly twenty-two years, at graduation. Moreover, the multiplicity of subjects proper to be taught in a college is so great that they cannot all be well taught to all scholars. "The principle of eclec-

tive study," says F. A. P. Barnard, "is the key which solves the whole difficulty."

It seems to me that in the maintenance of one curriculum for young men who are between the ages of eighteen and twenty-two years, may be found an explanation of two or three phenomena with which colleges were all familiar. The first of these is the avoidance of the traditional college course by large numbers of those who enter the schools of law, or by still larger numbers of those who enter the schools of medicine; another is the diminution of the number of college students in proportion to the population, which has been demonstrated by President Barnard;* and a third is the comparative undervaluing of classical studies, upon which Professor Gildersleeve has lately commented. Many years ago, Sir William Hamilton said that nothing tended to bring the study of Greek and Latin into disrepute so much as making it compulsory on all.

Technical and scientific education has completely won its place in this country,—partly by aid of generous gifts from individuals, partly by governmental aid. Almost every State has now one polytechnic school, at least, — affording instruction in pure and applied science, often in connection with a literary college, — often by itself. Between Cambridge and Baltimore you may find such institutions at Boston, Worcester, Providence, Amherst, New Haven, New York, Hoboken, New Brunswick, Princeton, Easton, Bethlehem, [Newark] and Philadelphia, and not far from this line of travel are the schools at Dartmouth, Burlington, Troy and Ithaca. In this region, such schools are obviously too numerous, — their endowments are inadequate, — their purposes are not yet differentiated; but they are having an immense influence upon the industry and education of the country, — affording a liberal training to a class of young men who would not be attracted by classical studies. There was once danger that they would be despised as schools of the "bread and butter sciences," but fortunately the two oldest colleges of New England received the generous gifts of Lawrence and Sheffield, thus affording to what was called the new education, protection and dignity, and preventing any conflict between the advocates of

* "In proportion to the population the number of college students is less than it was thirty years ago, in the proportion of two to one."—[*Amer. Journ. of Education*, 1871, *p.* 439.

scientific and literary culture. It is also fortunate that the national land grant was made in terms which gave free scope to enlightened ideas, and made the schools thus aided scientific as well as technical. In some cases their literary activity has been noteworthy, as in modern languages at New Haven, and in Philosophy at Boston. In industrial training, some of the features of the Worcester school, under Prof. C. O. Thompson, seem to me particularly good, — and all the more noteworthy because that school has grown up without municipal, State or national aid, and because its principal arrangements are adapted to any manufacturing community, where there is spirit to devise and generosity to maintain so useful a foundation.

A suggestive American writer has recently raised the questions whether there ought not to be a higher training in our schools and colleges for those who are to be merchants and manufacturers? "Are the sons of rich men being as well qualified," he asks, "to know their true position and to save themselves from wasting their lives, as the sons of the poor are becoming trained so that they may become rich?" * In this enquiry he is quite in accord with a recent British writer (Grant Duff), who puts in a strong plea for an education adapted to the young man "who has all the chances" in his favor, — health, wealth, talent, position, and opportunity.

The name of University has been so misapplied and multiplied in this country, that to recover its true significance we must recur to old-world usages. There we shall find that the number of such institutions is strictly limited, not infinitely distributed, and that while there are varieties of species, the type remains. Universities have there four-fold functions, — they confer degrees; they encourage professional training (in law, medicine and theology); they afford opportunities to pursue scientific and literary studies, not professional, beyond the college limits; and they aid in promoting knowledge by laboratories, observatories, museums, libraries, and publications. Let us see how matters stand among us, under each of these four heads.

(A.) We begin with the bestowal of Degrees. Colleges in this country, from their earliest days, have exercised the right of bestowing academic titles, not only on the completion of a course of study, but as honorary distinctions, and that, too, in Faculties

* Edward Atkinson, Capital and Labor, p. 48. Cf. Grant Duff's Pleas for "a boy who could have all the chances." Miscellanies, p. 197.

where neither students nor teachers were found; and it would now be as difficult to withdraw this prerogative, as to place restrictions upon popular suffrage. Consequently, an American degree is of no value unless the public know by what college it was given. Honorary degrees have been bestowed like counters, not like coin. New varieties of title have been invented, — as many as twenty-four being recorded in a recent official report. It is even said that ambitious and unsuspicious persons abroad have purchased diplomas from institutions which have nothing but a name, *vox et preterea nihil.* The long list of honors worn by Hosea Biglow, and the mock "Med. Fac. Catalogue" of earlier date, proved to be ineffective satire. University distinctions have thus become like the titles of "Colonel" and "Judge," in the Rocky mountains, the last of which it is safe to bestow on any man with education; the former, on any man without. Under these circumstances, it seems sometimes as if the bestowal of degrees should be abandoned in this country; but, within the last few years, there have been signs that instead of this, efforts will be made for their rehabilitation. It has been proposed that every writer, affixing to his name an academic title, should say where it was bestowed, and in one institution, at least, this usage has been followed. Then the strongest colleges have determined that the degree of M.A. shall no more be given without examination. The degree of Doctor of Philosophy has been introduced and bestowed for the most part on examination only, though it occasionally appears among honorary titles.

President Barnard, of Columbia College, a few months ago, presented a plan for the rehabilitation of college degrees from their present degradation. He has proposed that in each State a State University should be established (akin in its form to that of the State of New York or to the University of London), charged with no duty of teaching, but empowered, among other things, to examine all candidates for admission to college, and all candidates for degrees; and, finally, to confer diplomas under the seal of the university, setting forth the name of the college presenting the candidate. He recommended the trial of this scheme in New York, where a State University, possessing in a measure these very powers, is already in existence. He says the plan was approved several years ago by Chancellor Pruyn, and afterwards by Chancellor Benedict, but the chief obstacle to its adoption

appears to be the financial question, — how to pay a body of permanent and able examiners. Dr. Barnard looks for no sudden success for his plan, but hopes for its adoption in New York a few years hence, when the corporation, known as the Regents, completes its first century.

This suggestion is an important one and may lead to good results; but I should be much more hopeful that a plan could be devised by which the strongest and best colleges of the country could be associated in a league, and could agree upon a standard of examination, and on a board of examiners, — to be paid by contributions from each institution in the confederacy. We might even hope that some generous person would provide for a University Union an adequate endowment. Bad as false titles are in any case, they are worst of all in the medical profession, for the mystic letters "M. D." are supposed to give the wearer a right to practice one of the most responsible callings. Everybody knows how the title is won; nobody has the power to stop the unworthy bestowal.

It is poor comfort, but yet it is a comfort to learn that America is not the only country where such abuses are prevalent. The well known Italian scholar, de Gubernatis, thus speaks of the present condition of a land once world-renowned by its universities of Bologna, Padua and Salerno.

In Italy, he says, it is "a vice of our university system that the adoption of the title of Doctor comprises also the right to practice the profession to which it belongs; so that he who takes his degree in medicine to-day, becomes a physician on the morrow; he who receives his degree in the law, has the right after three years of practice, as it is called, but which in reality is nothing more than having simply been present in a lawyer's office, to pursue the legal profession. He who takes his degree in philosophy and philology, is entitled to establish himself at once as a professor in an academy or lyceum. Thus the Italian University, which is, properly speaking, neither a high scientific school nor an especially high professional one, arrogates to itself the double privilege of nominating the scientific doctors, and of giving the diplomas for the various professions."

Already in this country the medical profession is discussing this evil, and an association has been formed which proposes to restrict its membership to those who have taken the degree of Bachelor of

Arts, as well as that of Doctor of Medicine; but before many years the association will discover that the degree A. B. is no more trust worthy than that of M. D.; and that the difficulty in ascertaining its value is quadrupled; for here are nearly four hundred institutions which confer the baccalaureate, and not yet one hundred that bestow a degree in medicine.

The remedy must be more thorough than this.

(B.) It is unfortunate that the professional schools of this country in their origin were not considered to be the branches of a university, but were private foundations, — a sort of associations for expanding the opportunities given in still earlier times by the practising physician, the lawyer, and the pastor. Most noteworthy of such agencies was the Law School at Litchfield. Even now, in institutions where professional schools are maintained, they are rarely regarded as essential parts of the foundation. They are very different in the trustee's eyes from "the college proper;" they are "the outside departments." Hence they have remained almost private establishments. Pupils have been received without examination, and without being asked for their college diplomas, and they have been graduated without adequate tests of their proficiency made by impartial examiners. It is a wonder that under so bad a system the results are not worse, and that the bar, the clergy, and the medical faculty stand so high and include so many who rank with the foremost of other countries.

Already changes are in progress. The Medical Faculty in particular, where the evil of imperfect education has been most obvious, is under constant discussion. Harvard led the way in reform, and the University of Pennsylvania is following with fundamental improvements. A league of medical colleges has been formed for mutual support in the promotion of better plans. Three or four of the Law schools have made great improvements in their organization. In the schools of Theology there has been less ground of complaint, but an interesting question has been recently raised as to whether there is a "non-sectarian theology" which a university should teach.*

If any one will compare our American programmes with the German methods of promoting law studies, as sketched by Von Holtzendorff in a recent communication to this Association, or

* See The Nation for July and August, 1879.

with the European methods of educating physicians, as sketched by Dr. Billings, he will not be surprised that the first utterance of a distinguished London surgeon to an American, casually introduced to him, was a sarcastic denunciation of American degrees, or that a young graduate from the United States, strong in the possession of his diploma, "finds that document almost a matter of ridicule among teachers and students in a German university."*

Endowments for professional education will quickly invigorate these schools, though too much must not be expected from them. Stringent legislative enactments, persistently enforced, would do more. The united action of colleges and universities would be the most efficient of all agencies.

(C.) There has been within the decade a very considerable progress in opportunities for graduate non-professional instruction. The want is clearly recognized in the official utterances which have been made at Cambridge, New Haven, New York, Princeton and Baltimore. Unfortunately many colleges, which are too feebly endowed for their appropriate work, are endeavoring to retain a company of pupils as graduate students. But there are not yet, in the entire nation, professors enough who are free for university work in distinction from collegiate; nor funds enough, nor adequate arrangements to encourage the growth of such a class of teachers. It is no wonder that the number of professors who would be selected by those working in their own departments, as exceptionally fitted for university work, is not large; for even in Germany, most fertile of all lands in the production of learned men, the same want is acknowledged. In Italy, we are told by de Gubernatis that it would be hardly possible to find the requisite professors even if the number of universities were reduced one half†; and in England, when both Oxford and Cambridge needed to fill their professorships in a branch of Philology, we were told that there was but one man whose achievements gave him a claim to either chair.‡

If this is so in old countries, much more is it true in the new. We may find a remedy, first, in the establishment of graduate scholarships and fellowships, by which superior scholars may be discovered, encouraged, disciplined and promoted; and second, in

* See the Atlas Series, No. 1, from the International Review.
† Atlas Series, No. 1, p. 31.
‡ Nature, July 11, 1872.

making the career of a professor more attractive, particularly in his advancing years, by increasing emóluments, or perhaps by a plurality of salaries, or better yet, by the certainty of official tenure, and the expectation of a pension. A distinguished German, invited not long ago to this country, hesitated to accept a large salary among us, in place of his smaller stipend at home, because the position of professor in Germany is so secure and so pleasant, and because in case of his early death his family would receive some governmental support.

(D.) In the encouragement of research, by which I mean literary as well as scientific investigation, our colleges as corporations have done but little, though connected with them have been investigators of original power, and world-wide repute; men whose names will always be honored in the annals of science and letters. Some of the best professors have been so absorbed by attention to the work of instruction and discipline, that they have had neither time nor strength for independent research. Funds for printing have not always been at the command of those who would have been quickened by them; the libraries have been small; the instruments of precision but few; the laboratories, too often merely places for the preparation of lectures. All this is now changing; but to make provision for research, on a university scale, requires enormous expenditures, — sums far beyond what have yet been provided either in the oldest or the newest foundations. One of the best indications of progress is a list of apparatus, — the seed corn from which a harvest may come, — just published by the Library of Harvard College, indicating what instruments are now available in different parts of this country for the use of those who wish to engage in exact and delicate investigations in physics. For literary research, compare the opportunities now enjoyed at Harvard, Yale, Brown, and Cornell, with the college libraries of fifty years since, when "the best selected and most valuable in the United States" numbered thirty thousand volumes.*

From the subject of Universities, let us pass to that of the Education of Women. Long ago their place was won among the teachers of public schools, and provision was made in most of the States for their liberal instruction in Normal Schools. Medical Schools have also been opened for their exclusive benefit, and Training Schools for Nurses (of which the Connecticut School takes

*President Quincy; Report of Harvard College. 1830.

the lead,) are now connected more or less closely with several of the best hospitals. Schools of Design, of Decorative Art, and of the Fine Arts, are open to them as freely as to men. There is an excellent organization for the promotion of Home Studies, and a system of examinations for certificates, maintained by Harvard College, with useful results. But this is not near all that has been called for and attempted in the education of women. A strong demand for opportunities of liberal culture in the fundamental arts and sciences has been heard in every part of the country, and the question has been earnestly discussed whether the existing colleges for young men should be open on equal terms to young women, or whether in some other way their requirements should be met. In some places the question is still mooted; in others, it has been settled, for the time at least, by inviting young women and young men, upon the same terms, to the same class-rooms and laboratories; elsewhere, particularly in some of the oldest colleges, the feeling is strong, and, I think, increasingly strong, against the admission of women, and what is called co-education meets vehement opposition. Meanwhile, the question is settling itself by the generous donations which Vassar, Wells, Smith and Wéllesley Colleges have received. Still another such foundation is projected in the neighborhood of Philadelphia, and there are other kindred institutions less conspicuous than these typical foundations, but pursuing substantially similar paths. The most recent movement is the offer of collegiate instruction to young women, unofficially, by the teachers of Harvard College acting in their individual capacity, and without the public sanction of the authorities—a plan which in its aim and methods is quite accordant with that of Girton and Newnham Halls in Cambridge, Old England, and will be watched with lively interest.

The result of all these movements cannot yet be estimated, but a careful and suggestive study of their tendency, particularly with relation to special colleges for women, was given a short time since at Northampton, by the President of Harvard University, and about the same time, with reference to co-education, by the President of Columbia College.

The care of the neglected and unfortunate has never appealed more strongly than now to the intelligent efforts of teachers. Though the blind are not taught to see, the mute are taught to speak, and their education may be carried in the National Deaf

Mute College at Washington, under Dr. Gallaudet, almost as far, Professor Henry said quite as far, as is common in colleges for those who are not thus afflicted. The collection of books printed for the blind, with embossed type, by the Louisville house, was pronounced at Paris the most complete ever seen in Europe.* Churches have never been more active than now in efforts to reach the vicious and neglected children of cities. Large numbers are yearly taken away from their surroundings and placed upon good farms in the West. There is a strong tendency to insist upon as near an approach as possible to family methods in the care of orphan asylums, reformatories, and other assemblies of children, in place of the congregate system, which has been chiefly advocated because of the inexpensiveness of its methods. In the city of Hartford, a fund left by David Watkinson, many years ago, for the trial of the family system on a plan akin to the Rough House at Hamburg, or the agricultural colony at Mettray, has accumulated to such an amount that, in all probability, the experiment will ere long be instituted.

Special attention should be called to a most satisfactory attempt to provide the freedmen with an education adapted to their special requirements, which is in progress under General Armstrong, at Hampton, Va., one of the most sensible and vigorous institutions among several which have been founded for the training of African teachers. Recently the United States Government has sent to Hampton a company of previously untutored Indians to share in the advantages of the normal school, and the success of General Armstrong and his colleagues in teaching them has been so great that a second educational colony is to be formed, under the auspices of the Secretary of the Interior, at Carlisle Barracks, in Pennsylvania.

Physical education has made much progress. The establishment of parks near most large towns, (influenced in no small degree by Olmsted's excellent work in New York,) the ease with which the mountains and the sea shores can be reached in warm weather, the introduction of athletic sports for young women and young men, even in remote rural districts, as well as in large towns; the establishment of gymnasiums in colleges; the rivalry with the rifle, in such contests as at Creedmoor; improved cooking, most obvious on

*Hon. R. C. McCormick, North American Review, July, 1879.

long lines of travel; better ventilation and drainage in schools and dwellings,—are all telling upon the bodily welfare of our people. The long, lank, typical Yankee is disappearing. Professor Huxley, in his first speech in this country, expressed his surprise in finding the American women so hale and hearty, and a still more recent Scotch traveller tells a story of his friend, a member of Parliament for Paisley, who was anxious when he reached Chicago to see a typical American. At last he found a man who exactly came up to his ideas. "Have you been long here?" was the question. "Na," was the answer, "I am jist a month frae Glasca."

Various questions have arisen within the last ten years as to the proper influence of the national government in promoting education, the more important of which are these three: the maintenance of a United States Commissioner and Bureau of Education; the expediency of founding a national university, and the disposal of the public lands for the promotion of education.

The first of these questions seems to be settled by general consent. There is a wide-spread, if not unanimous, recognition of the value of a Bureau in the Department of the Interior to collect and disseminate information respecting the state of public instruction, and of all the agencies employed for its promotion.

As to the second, there seems to me an equally wide-spread belief in the inexpediency of founding a national university, under the general government. President Eliot's remarks upon this matter gave expression to the views of many others.

The disposition of the public lands for educational objects is still under debate. The national scientific and technical schools, provided for by the Morrill bill of 1862, have presented strong claims for increased endowments; while the need of financial aid to enable the Southern States to maintain and perfect their systems of common schools, has been ably advocated by Senator Hoar, and has received quite general approbation. His repeated efforts to secure, for the benefit of Southern education, a certain part of the income derived from the sale of public lands, have not yet reached a result; but whenever they have had fair consideration in Congress, they have commanded the support of enlightened men. His proposals have not looked to the establishment of a national system of education but only to the support of State systems. It seems to me that now the currency question is so nearly settled no interest is more pressing than that of Southern education; and

I know of no plan so feasible for its promotion as that of Mr. Hoar's.

While it seems wise that the general government should go as far as justice will permit in encouraging the Southern States to promote a good system of public instruction, it will never be forgotten, under the leadership of Senator Hoar, that local and not national responsibility has made the education of the Northern and Western States so good, and that there would be danger in transferring to Congress powers now exercised in this matter by the Legislatures of States. There is reason to dwell upon this point, because the advocates of the opposite view are more numerous and outspoken than formerly. For example, a recent examination of National Education in Europe, by Dr. Bennett, of Syracuse University, concludes by saying: "We are rapidly approaching an era in our history when the question of a truly national education must be pressed upon us for solution. Already is the agitation begun. The wonderful diversity of facility for obtaining an education in different parts of the United States, is a most serious hindrance to the realization of a true and genuine national homogeneity and unity."

While Congress has hesitated to act, it is most fortunate for the South that the munificence of George Peabody, wisely administered by Dr. Barnas Sears, has been so efficacious in encouraging educational activity. The reports of the Peabody Trustees exhibit most clearly what may be done by external pecuniary aid to strengthen and develop the system of instruction devised and maintained by local responsibility. Few agencies for good have been so potent and so quiet as the Peabody Fund, which encourages, instead of stifling, the exertions of the community through which its beneficence operates.

It is not easy to indicate the extent of American influence in promoting education in other countries, — but it is not difficult to trace in the modern school-laws of England, the study of American experience, — as the speeches of Bright and Forster, and many other statesmen will testify; and certainly in South America there have been wise men who have looked with care at what we are doing. American missionaries have planted American colleges beyond the confines of christendom, in several places. Still more remarkable is the action of the Chinese and Japanese governments, in sending numbers of choice young scholars to be

trained in our schools and colleges, — and in inviting such men as Dr. Martin to Peking, and Dr. Murray to Tokio; the former as a professor, and the last named as a school administrator, to aid in the introduction of occidental knowledge.

Dr. Philbrick, in a recent address, has enumerated five particulars in which he thinks European nations are avowedly disposed to follow American experience; in the maintenance of a Bureau of Education, for the collection and diffusion of information; in the gratuitous provision of instruction; in separating public schools from sectarian or ecclesiastical control; in looking to local taxation for financial support, and in providing liberally for the higher education of women. He has also frankly pointed out those peculiarities of our system, in which he thinks that we are exposed to European criticism. Most, if not all these criticisms have also been made by our own citizens, and have been alluded to in the previous discussions of this paper.

There have been some noteworthy attempts to formulate the principles of public instruction in such a way that foreigners, unacquainted with our political aims, might understand our views. Among these may be mentioned a large number of papers prepared for the Japanese minister in Washington, and published by him, nearly ten years ago,—and a more recent statement, published by the Bureau of Education, and reprinted in the American Educational Catalogue at the Paris Exhibition of 1878.

The establishment of Summer Schools is an interesting educational movement. The exigencies of our climate, in the Atlantic and Valley States, require the suspension of ordinary mental tasks for a long period in the summer, and the constantly increasing facilities for access to the sea side and the hill side, encourage large assemblies in favorite resorts. Hence, very naturally, partly for entertainment and partly for intellectual profit, schools have been devised for the supplemental instruction of teachers and others who are "off in vacation." During this present season, Harvard College has maintained its summer schools of Botany and Chemistry in Cambridge; the fame of Emerson, Alcott, and their colleagues, has brought to Concord scores of thoughtful people interested in the abstract study of Philosophy; Martha's Vineyard has had its schools of literature and science; the Sauveur schools of modern languages have been held in three college towns; and the "Biblical Park," at Chatauqua, has attracted its usual throngs.

The excursions of the Appalachian Club, though not scholastic, have an educational character quite worthy of mention in this connection; and at the opposite extreme, the philanthropic transfer of poor children from the largest cities to the country, is another phase of this tendency, quite as commendable as any that have been named. The difficulty of maintaining a summer school at Penikese was too great to be readily overcome, but Professor A. Agassiz, since his father's death, has been rendering a still greater service to science by the maintenance of a private zoölogical laboratory near Newport; and in the same spirit, the Chesapeake Zoölogical Laboratory has been for two years maintained in the neighborhood of Fortress Monroe. The summer expeditions of Professor Marsh to the Rocky Mountains, with parties of Yale students; that of Professor J. D. Whitney, of Harvard, to Colorado; of Professor Shaler to the Southern Parts of the Appalachian system; and of the Massachusetts Institute of Technology to famous mining districts, deserve mention here, not so much for their scientific as for their educational significance, — though both are noteworthy.

Learned societies, based upon the style of the Royal Societies of European capitals, like academic degrees, have not flourished in this country, and have gradually assumed more and more of a local and popular character, — which means that they are less national and less exclusively scientific. It is too soon to prognosticate what will come from the institution of the National Academy of Sciences, or to say whether its organization is as good as that of its elder sisters, the American Academy and the American Philosophical Society. But there is evidently an increasing tendency to form societies with limited membership for the discussion of special subjects. Thus the medical profession has its neurological, its ophthamological, its gynecological, and its otological associations; the Oriental Society which used to maintain its classical section, now sees a special Philological Association in active operation; the mining engineers, and the architects, and the officers of the navy have their assemblies for scientific meetings; societies for promoting local historical research are multiplying, and so are art associations, — and many other forms of intellectual coöperation and instruction. I have only meant to give examples.

One of the most encouraging features of Education in this country

is the recognition which is given every where to science. We have had among us no controversy of a serious sort between the advocates of literary, and those of scientific training; nor has there been any wide spread apprehension among religious people that the study of nature and of nature's laws would tend to irreligion. All our colleges made early provision for scientific studies, and with the growth of science and the increase of means, have provided still more liberally for such pursuits; while, among schools of lower grade, the admirable text books prepared by Gray, Dana, Guyot, and other foremost men, have encouraged and developed a love of observation and a power of reasoning in respect to the visible world and its unwritten laws, from which will come greater and higher results than any yet known.

Mention must be made of the munificence of wealthy Americans in founding schools, endowing colleges and universities, aiding hospitals, constructing libraries and public museums, — and, in innumerable conspicuous and hidden generosities, endeavoring to promote the culture of their times. The world has never seen such spontaneous and liberal contributions from individuals, as those which have been bestowed by Americans on the institutions of science and education. I do not know of one such gift which has been misapplied; I know of scores which have quickened and strengthened good old foundations, and of scores which have provided for wants that could, in our governmental system, be reached in no other way than by private liberality.

The growth of libraries, and of public museums of the fine arts, has been most remarkable within the last decade. In regard to libraries, an exhaustive report has been printed by the U. S. Bureau of Education, and a similar report is understood to be nearly ready on the subject of Art Museums and Education. For admirable catalogues and literary bulletins, tending to make every library in the land more useful, the country is greatly indebted to Professor J. Winsor, lately of the Boston Public Library, and now of Harvard College. There are now many institutions in the country where the miserly theory of the public library has given way to the laboratory theory, — and where the managers are governed by the sentiment which actuated Mr. Panizzi, — a sentiment worthy to be written in every great reading room.

I look with great interest upon the educational aspect of the Spelling Reform Association, which has already enlisted the

coöperation of the foremost students of English philology in this land, and in Great Britain, — Müller, Sweet, Skeat, Sayce, Morris, among the English; — Whitney, Child, March, Trumbull, Haldeman, Lounsbury, among the American philologists. Its members do not look for rapid changes in the common orthography, but, under the guidance of most competent leaders, they are pointing out the absolute lack of system which now prevails, the advantages of reform, and the methods by which a correct usage may be determined. "Already," says Professor William D. Whitney, "there are few in our community deserving the name of scholar, who do not confess that a historical spelling is in principle indefensible, that it has no support save in our customs and prejudices." "So far as phonetic instruction is concerned, the best help," says Prof. March, "has come from the pronouncing alphabet of Dr. Edwin Leigh, that 'patriot scholar.'"

Similar activity is shown by the Metric Bureau in promoting a knowledge of the French metric system, and in facilitating its general introduction. Some of the devices for making the new measures easily understood and popular are most ingenious.

Among the difficulties with which we have to contend may be named the geographical. Our system of decentralization has deprived us of the advantages of a national capital. Washington may serve as the political centre, New York as the financial, Philadelphia the industrial, Boston the educational, — but not one of these cities, nor St. Louis, nor Chicago, has held, or is likely to hold, the commanding position of London, Paris, Vienna, Petersburgh, Berlin, or Rome, each the seat of government, wealth, and learning. In the journey of a single night, the professors of Dublin and Edinburgh can come to London, and in twelve hours more may reassemble in Paris or Brussels. Oxford and Cambridge can meet in two hours on neutral ground in Pall-Mall. During the season in London, one may expect to meet with a very large proportion of the British leaders in his own line of thought and work, — whether that be the church, the State, science, literature, education or finance, — and the strangers attracted from distant parts of the globe. It is hard for an American who has not shared such intellectual advantages to appreciate their stimulating character. One short interview will sometimes suggest work for months to come, — or will remove obstacles which have blocked the way for months that are gone. But it takes thirty-six hours

for a citizen of St. Louis or Chicago to reach Boston; seven days and nights of continuous travel for a Californian to reach New York.

The Mississippi valley, where a few years ago "the danger of barbarism" was pointed out by a gifted orator, has already become a most important factor in the intellectual progress of the country. The centre of population, as we know, has already crossed the Alleghany mountains, and is not far from that central region of political influence from which so many of the highest officers of the government have come. The East is forced to acknowledge that in the West may be found the most frequented university of the continent. Cincinnati has robbed New York of its leading musician. The most abstruse of American periodicals, the Journal of Speculative Philosophy, is published in St. Louis. The Analyst, till lately the only American mathematical magazine, is printed in Iowa. Heavy volumes on political science, like those of Roscher and Von Holst, are issued at Chicago, and are printed in the heart of Wisconsin. Harvard and Yale have found it desirable to send examiners annually to large towns in the West.

We are rapidly building up the scientific, literary and æsthetic attractions of our large towns. Boston, in its comprehensiveness, still leads in these respects; Harvard, the oldest, is still the richest and most abundantly equipped, and, I may say, the most progressive of American institutions. The Boston Public Library has been for many years one of the most exemplary teachers of the land; the Museum of Art, combining now some of the treasures of the Athenæum, of the Technological School, and of Harvard College, with gifts and purchases, shows what may be done in three years of financial depression by coöperation and skill. New York is not far behind with its Astor and Lenox libraries, and its park museums of the fine arts and of natural history; Philadelphia enjoys the unsurpassed advantages of its Academy of the Fine Arts, its Museum of Natural History, and its costly Rush Library; and Washington, with the national establishments, grows every year more worthy the name of a national metropolis, richer in collections both scientific and literary, and more and more worthy to be called a scientific capital. Baltimore, Cincinnati, St. Louis, Chicago and San Francisco, are farther on in these respects than the first named cities were a few years ago; and among the smaller towns, New Haven should certainly be named as an example of the rapid growth of the opportunities of study.

In the survey now made, we have seen that the drift of American education has been toward the diffusion rather than toward the advancement of knowledge; to the instruction of the multitude, rather than to the development of a distinctively learned class. So thoroughly has this tendency been manifested, that no one, so far as I am aware, has questioned a saying of the present Bishop of Manchester, who closed his report on American education by this oft-quoted *dictum:* "The people of the United States, though not the most highly educated, are the most generally educated people in the world."

We have secured to every inhabitant opportunities for learning to read and write the English tongue, and thus to enter upon a rich inheritance of literature and science, the experience of mankind. But this result has been bought at a great price. It has cost large sums of money, and immense exertions upon the part of scholars, statesmen, philanthropists and reformers. It has consumed a vast amount of intellectual force, and has delayed — but not prevented — that ample encouragement of higher institutions which might have been anticipated under another form of social organization.

Let us bring to mind many evidences of this popular intelligence, in the excellence of our common schools; in the eagerness for the name of college, even where the reality cannot be had; in the acceptance of scientific discoveries, however contrary to superstition and prejudice; in the number and ingenuity of mechanical inventions; in the universal demand for newspapers; in the admirable character and wide circulation of literary magazines; in the call for standard books in cheap and handy forms; in the establishment of public libraries; in the fondness for political discussions; in the love of preaching and lectures; in the frequency of conventions for educational, commercial, philanthropic and religious reforms; in the abundance of voluntary efforts for training the weak and unfortunate; in the voluntary contributions for constructing and maintaining churches; in the munificent gifts for educational establishments.

All this, limited by no local or provincial restrictions, and equally true in California and Massachusetts, indicates the intelligence of the people, their love of knowledge, and their desire for something higher and better than what they now enjoy.

We have also seen that popular education, in our country as in

all others, is still imperfect, — that there are slums in cities, and tramps in the country; that there are quacks in medicine and demagogues in politics; that moral education has not received enough attention, and that patent medicines do sell; that training in the elements of political economy is rarely provided; and that there are defects in the administration and instruction of schools, which it is important to eradicate. It is true that the American system of public instruction has not yet been proved successful at the South, where the vast number of enfranchised blacks, till lately untaught, suggests grave difficulties, which are augmented by the impoverished condition of public treasuries. It is true that the voice of Communism has been heard in loud tones, — and that an occasional craze in financial theories seizes the people like an epidemic mania. It is true that the number of scholars who enter college diminishes as the population increases, and that those checks against professional charlatans, which an enlightened government should impose for the protection of the people, are evanescent or obsolete.

Yet, admitting these drawbacks, we may claim that the popular education, compared with that of any other people, is satisfactory in a very high degree, and will actually, before many years, be greatly improved.

We are now ready, as it seems to me, to take rapid steps forward. The wilderness has been explored, the water power measured, the railroads built, the schools and the churches have been planted. After twenty years of animosity, hostility, and financial depression, we are beginning a new epoch of peace, thrift and enterprise, wiser and more sober as a nation than ever before. We shall attempt better and greater things than hitherto; we shall aspire to do our national part for the advancement of knowledge, in the confidence that thus humanity will be benefited, civilization extended, iniquity lessened, and barbarism subdued. It is not only true that we have a continent to teach,— even the oldest civilizations are turning to us for light. Never has there been a time so inspiring as that on which we now enter.

In helping on a better condition of society, such agencies as the American Social Science Association, and the local organizations of kindred aims in Philadelphia, New Haven, and elsewhere, have a most influential part to perform. In quickening thought and in eliciting suggestions they have been very fruitful. The American

Association can claim much more than this. Nine published numbers of its Journal are full of valuable papers. Its discussions, freely reported in the public journals, have had an obvious influence upon public opinion. Its earnest advocacy of reform in the civil service has produced important results, if not all that were anticipated. It has quickened the formation of two allied societies, the National Public Health Association and the Association of Boards of Charity. Its members have had a powerful influence in promoting those financial measures which have enabled the Secretary of the Treasury to resume specie payment.

For the future, our association needs more members, more auxiliaries in every part of the land, and especially more means of publication, that good ideas, once suggested and approved, may be widely and promptly circulated.

Ladies and Gentlemen: As we go away from this meeting to resume our various responsibilities, let it be with the pleasant recollection that we have many colleagues, seen and unseen, working with us for the welfare of society. Let us feel fresh hope and courage in the years of plenty which seem likely to follow the years of scarcity. Let us improve the increasing buoyancy of these days, as the farmer improves the recurring spring by planting good seed in the quickened soil. If we dare not say that, with all our human weaknesses, we fulfil completely the first and great commandment, let us at least live up to the second, which might well be our associated motto, "Thou shalt love thy neighbor as thyself."

NOTE: The earlier pages of this address were printed without the writer's supervision, and in consequence there are some slight inaccuracies, — most of them, it is thought, of such a nature that the reader will readily correct them; e. g. the comma after *ten years* (page 1), should be a period; on page three, an allusion should have been made to the Report on Education in the Philadelphia Exhibition, by Dr. John W. Hoyt; on page 4, at the end of the first paragraph, "story" should be "controversy;" on page 9, there is no reason for brackets enclosing the word Newark.

THE METHOD OF STUDY IN SOCIAL SCIENCE.

AN ADDRESS BY PROF. WILLIAM T. HARRIS, OF ST. LOUIS, CHAIRMAN OF THE DEPARTMENT OF EDUCATION.

I desire, in this paper, to offer to the Department of Education the brief outline of a discussion of the Method of Study in Social Science.

To see an object scientifically is to see it in its necessary relations to the rest of the world, in time and space.

The mind that is uncultivated in science submits itself to surrounding influences as regards the subjects of its study. It takes what is offered to it, and in the order that it finds it.

The difference between the scientific activity of the mind and the ordinary common-sense activity, lies in this: that the common-sense view occupies itself with the objects of the senses, as they are forced upon its attention by circumstances, and it does not seek to find their unity. The scientific habit of mind chooses its objects and persistently follows its thread of existence through all its changes and relations.

Science relates to two worlds — so to speak — the world of Nature and the world of Man. The world of Nature, as the world of time and space, includes not only the mineral, the plant and the brute, but also Man as an animal, — Man as possessing a body. The world of Man as distinguished from Nature includes *the world of institutions* — the family, civil society, and the State. Institutions form the instrumentality whereby Man elevates himself above the mere animal — the brute.

Social Science deals with Man, and with man *not* as a brute, but as a being that lifts himself out of mere nature into a spiritual world — into a world of institutions.

In mere nature, as such, we meet only with beings that are limited, one through another. They are not self-limited, but are under the dominion of fate; each natural thing being under the control of circumstances. Human nature, on the contrary, must be made by the activity of man in order to exist. It is Reason, an intelligent life, a rational will, that is Man's ideal, and the object of his energies. It is through combination of man with man, that the individual is able to achieve this rational existence. By combination, each one is able to participate in the life of every other —

forming a vast organism of institutions called human society, wherein each helps all and all help each. By means of institutions the individual is able to live not only the particular life of natural beings, but he is able to live a sort of universal or generic life — the life of the entire species.

Through institutions Man collects the labors of each and every individual into one vast storehouse — the market of the world — thence he distributes to each one his share, his own production enriched by a share in the productions of the entire race. This is the case not merely in material productions — food, clothing and shelter, — but in spiritual products. It preserves and aggregates the individual experience of the entire human race, and distributes it to the individuals, without dividing it, — for participation in spiritual things is not through division and diminution, but each one enjoys the whole, — receives the aggregate, although he contributed the smallest mite. Truth is not decreased, but increased by being shared.

Material things exclude, each the other, and do not participate. Spiritual things include, and participate; each is through the other; each yields its individuality to the whole — to society — and gets back personality as its dower. It gives up the animal and gets back Reason, — civilized humanity.

While the method of the sciences of nature devotes itself to the history of the process in which it finds natural things involved, on the other hand the method of Social Science has for study both the history of society and also its ideal. Nature furnishes us complete processes, and therefore natural science can be complete with history alone — its objects are completely realized existences. Human nature furnishes no complete processes, no fully realized existences. The institutions of human society all contain an ideal which has never been realized.

The history of the oak explains the oak, but the history of a human institution, the family or the State, does not explain its latest growths. The acorn which I pick up from the ground is a part of the process of the life of the oak — a temporary phase of its growth. In the course of time this acorn would sprout from the soil and become a sapling, then a tree, and bear acorns again; thus the acorn is a part of its cycle, and the entire oak is the complete process — acorn, sapling, tree, and its crop of leaves, blossoms and acorns. Natural science sees the acorn in its relation to the

entire life of the oak; the oak in the entire history of all the species or varieties of oak, and in the broader and more general history of the life of all trees, all plants; and plant life in its relations to the mineral below it and to the animal above it. Thus it comprehends and explains one object in nature and all objects in nature.

But Social Science finds the acorn-germ of human history in the savage or the newly-born child; it traces the origin of society in rudimentary phases, such as the manifestation of gregarious instincts in some of the animals; the acorn and the sapling are there, but the full grown tree is not yet a realization in history. Like the mythologic ash-tree, Igdrasil (Yggdrasill), in the *Voelus-pâ*, its top is lost in the clouds.

Through all civil history, perhaps, one can find a principle of progress, but it is no complete cycle, like the process of the seasons or the life of the plant.

Instead of interpreting the present by the past, we interpret both the present and the past by the future — by the ideal of freedom and Rational Life towards which human history approaches as a goal. In Social Science we deal with an object whose beginning is here, but whose end is in eternity. We explain each and every phase of his past and present by its relation to the realization of his ideal. Each and every institution of man exists for the sake of his freedom, or in order that each individual may become self-knowing and self-realizing; in order that each particular individual may ascend into the life of the species by participation; in order that each human being, born as an animal, with a minimum of intellect as an infant, may, by his own self-activity, create within himself the ideas which form the stock of realized wisdom, accumulated from the experience of the human race, and moreover, may shape his life by the moral standard which this aggregated experience has defined as necessary for the life and health of society.

Social life is the realization of ideal man in a far higher sense than the life of the mere individual realizes it; the individual is the acorn, while the social whole is the tree — yet a tree that is itself always growing towards the heavens, but not yet complete. But unlike the acorn, which cannot realize within itself by choice and free activity the life of its species, Man possesses this power of forming within himself the realized image of the whole race — the species. Thinking Reason — a rational, moral will — a religious

culture in the soul, are not of the particular man, but they are the ideal of the species, and denote the ascent of the individual into the species.

This ascent of the individual into the species, — which is not a loss of his individuality, but a deepening of individuality to personality, — is the unique phenomenon found in Social Science. It is the difference between Man and Nature. In Nature the species lives and the individual dies. The individual mineral, plant, or animal does not approach the species — it perishes. The particular Man, on the contrary, makes it his essential vocation in this life to achieve within himself the life of the species.

This is Education. Hence the province of investigation assigned to this, our Department, is the central one in Social Science. Education is the process of finding and realizing in the individual man his higher self. Man's self exists in a series of selves. As individual he is one self, and then he exists in a *series of selves* ascending above him, each one a higher revelation of his absolute ideal. Thus the family and the State, as well as the various other institutions within civil society, form the higher selves of the individual. By education he learns to become a conscious member of these selves, and find his true being in them. To know one's self, means to know society — to know not only the particular self which I am, but my universal self, realized above me in a series of vast colossal forms.

The progress of man in civilization is measured by the perfection of his institutions. But the perfection of the institutions themselves is to be measured by the degree to which they make possible the participation of the individual man in the results of the social whole — by the degree that the individual is enabled to sum within himself the experience of the race. The greater the participation, the more the citizen becomes a "law unto himself," and the more the social organization becomes a free product of the will of the individual, and the less a mechanical restraint from without.

With this in view as the ideal of society, we have the means of comprehending and remedying imperfections that we may discover in society. Many things that might seem indications of disease will be found to be signs of convalescence. Evils that are incident to changes which are themselves essential to the growth of civilization, will be adjudged in their true light. I will close this paper with an enumeration of these evils, under four heads:

I. ECONOMIC.

The conquest of Nature and its reduction to the service of man involves the invention of machinery, whereby the powers of nature are used to provide for man's natural wants of food, clothing and shelter, and for his spiritual want of intercommunication. The Division of Labor, whereby man gives to himself skill, and combines with his fellow man for purposes of industry, is the primary social fact, next to that of the Family. Invention of machinery necessitates the change of vocation. It throws out of employment the manual laborer, and institutes the machine. Unless the laborer can change his vocation he must perish by direct starvation, or become a criminal and perish in that way. And yet the invention of machinery must go on if civilization is to rise to higher planes. Therefore, the only solution on the side of civilization is to make constant change of vocation possible and easy for the individual; and this can be done only by education, of a quality and quantity sufficient.

The solution negative to civilization is the one which lower races adopt, and which, perhaps, they *must* adopt, unless paternally cared for by higher civilization; it is that adopted by the Chinese — the suppression of new inventions.

II. POLITICAL.

The ideal of the State is that wherein each citizen participates consciously in making his laws as well as in obeying them. But the first essential is that he shall *obey* rational laws. Hence the growth of civilization exhibits for us the development from obedience to laws imposed upon the citizen by external constraint, *i. e.* despotism, to obedience to laws set up by the citizen himself. In the latter, participation becomes realized to the highest degree. For this, it is evident that the education of all the people is a political necessity.

In the stages of transition it will happen —

(*a*) That the private citizen in leaving his vocation which he plies for private gain, and taking up that of the statesman, will carry out as statesman his lessons learned as tradesman, and will drive sharp bargains in the legislature or misappropriate public funds. Where there is no special class of men educated to the business of making and administering the laws, there will be mis-

takes through ignorance, far more numerous than moral mistakes. Then, from the fact that the individual is continually encountering new temptations, for which his early training had not prepared him, the democratic form of government finds political corruption incident to it, until it has provided a very complete system of checks and balances in its governmental machinery.

The alternative, of giving our legislators absolute authority, or hereditary rights, would only increase the evil by changing its form and allowing it to exist as in a despotic form of government.

III. MORALITY.

Every station in life has its special code of duties — adapted to its special temptations. In our sudden changes of vocation we are continually exposing the individual on the sides where he is unprepared, by previous education, to resist temptation. Again, the conflict of different nationalities, collected here by migration, necessitates the relaxation of ethical codes in the interest of toleration and peaceable business relations. The immigrants learn to relax moral scruples on many points in favor of their new neighbors. But the consequence is a general weakening of all the moral principles, and the grain gets uprooted with the weeds. And in this, too, it is education alone which can provide for the evils. For the more insight the community possesses, as individuals, the less likely it will be to get confused in making the distinction between merely conventional habits and customs, and those that are founded deep in genuine morality.

IV. RELIGION.

Finally, in education itself we have a danger. We find education to be the preventive and cure for many evils of society that are incident to the onward progress of civilization into participation of the individual in the experience of his race. But education itself incurs this danger, — that the mind will get to laying too little stress on the established order of Reason, and confide too much upon its own self-made conviction. In other words, it will be headstrong, and trust to its own particular view of the moment, rather than take the slower course of orienting itself by the prescription of the race as found in the religious creed. When one finds many new ideas, and his process of thought has gained fresh impetus, he comes to place less value upon fixed principles. To find a new

ethical system based on rational insight into the social necessity which underlies all progress in civilization, implies that one gives up the following of blind custom, use and wont, and prescriptive ordinances. In the transition lies the danger. If "man is the measure of all things," the sophists thought that each individual could make for himself the true and the right.

The worst of the social collisions is this one, — of the mistake which takes free thought to be arbitrary opining. The "free thinker," so-called, is the one who takes for reliable doctrine his immediate opinion, made without seeing the totality, or without having insight into the distinction between the transient and permanent. But the true free-thinker is one who has tried his own thinking by the consensus of the ages, and has found the identity of the various oracles of wisdom.

The law of the transmutation of energies, which natural science boasts among her most recent discoveries, has its counterpart in morals. Each new manifestation of force is a transmuted form of an old one. Each evil in society is a transmuted form of an old evil. Hence every evil that appears in our time must be studied anew in its relation to the spirit of the time. Only by such study can we ascertain whether the evil is incident to a new form of good, or whether it is a symptom of a retrograde movement in society.

REPORT OF THE DEPARTMENT OF EDUCATION.

READ BY THE SECRETARY, MRS. I. T. TALBOT, OF BOSTON.

(Wednesday, Sept. 10, 1879.)

It is now ten years since this Department was organized, and it seems a proper time to recall to mind the object of its originators, and to briefly review the work undertaken by them, and carried on during the past decade.

"To secure immediate attention for a wide range of topics, which will lead to action in all cases where action is advisable," is stated in the early records to be the object of this Department.

From the organization, in January, 1869, to December, 1874, was a period of great activity. Prof. Benjamin Peirce was the first chairman of these meetings, and the lamented AGASSIZ entered with enthusiasm and deep feeling into the discussions. From month to month, such subjects as the following, taken at random from the records, were considered: Public Libraries; Our Universities;

Common, Industrial and Nautical Schools; Art in Schools; Visible Speech; Instructing the Chinese and Japanese, in their own countries, in European Civilization; How to observe the United States from an Educational point of view. The wide range covered by these topics indicates the radical and progressive character of this Committee, who did not hesitate to consider and initiate reforms the most difficult to accomplish.

The first subject acted upon by this Department was, —

TOWN LIBRARIES.

The plan of encouraging and aiding in their formation, by preparing instructions and furnishing a list of books, was adopted. A sub-committee, appointed to report on this subject, prepared and published a manual, which, although necessarily imperfect, has since been in continuous demand by towns and individuals. This, with discussions upon the general subject, did much to encourage the growth of libraries, and no doubt hastened the formation of the Society of Librarians, an organization more competent to deal efficiently with this branch of education.

INDUSTRIAL SCHOOLS

have from the first been frequently discussed, and always encouraged by this Department, and members of this Association have contributed time, money and distinguished ability toward solving the problem, whether academic culture, and a knowledge of practical industries can be acquired together, giving to both equal prominence. The demand for this particular method of training up to the present time has been limited, while able educators and sagacious business men continually recur to this plan as of vital and primary importance in education, showing that it is a problem worth much toil to solve. Doubtless both successes and failures will contribute to the final solution of the practicability of this method of education. How this department can efficiently aid in these experiments has not, up to the present time, been made clear.

The importance of Nautical Schools was early discussed, and Mr. James M. Barnard, at that time an active member, was an earnest advocate for their establishment. He labored persistently and finally saw the experiment temporarily tried in Boston. Now, these schools have assumed a national importance, since, by a

recent act of Congress, the Secretary of the Navy is allowed to annually enlist seven hundred and fifty boys in ships specially devoted to training them for sea service. There are now five of these training ships in the United States service. It is proposed to hold exhibition exercises in Hampton Roads next month, of as many of these ships as possible.

ART IN SCHOOLS.

On the same day on which the above subjects were discussed (January 4, 1869) the plan was suggested of introducing casts from the antique into the public schools of the country, beginning, if possible, with the primary department, for the purpose of forming a correct taste in art, in early life. After discussion and effort, a plan was elaborated which resulted in furnishing the Girls' High School of Boston with an admirable collection of casts, which was paid for by subscription. The importance of the whole subject of art education was so developed by this discussion, that a free Art Gallery for the city of Boston was proposed, and the present Art Museum is the direct result of these initiatory steps. One of the members of the Department, Mr. C. C. Perkins, also lectured on Art in Philadelphia, under the auspices of this association. This Department may properly congratulate itself upon having begun, and encouraged to a successful termination, so important a factor in the development of art culture in this country.

UNIVERSITY EDUCATION.

"Higher education; our universities, what are they? What ought they to be? Shall they be free and give the highest instruction to all?" were topics suggested by the chairman and discussed from time to time during the whole period of activity of this Department.

This discussion was noteworthy, not only from its importance, but from the fact that Agassiz freely contributed from his rich and varied experience, having been seven years connected with universities in Germany, France and Switzerland. Some of his criticisms and suggestions I will quote, although aware that in so doing but a dim idea can be given of the profound impression produced at the time.

Agassiz said "the idea of a university has best been embodied

by Mr. Cornell, who called it 'an institution where any man can be taught anything he wants to learn.'"

He hoped "when one is attempted here, it will not be on the plan of any in existence, not German, still less French, but American, giving what Americans want."

"Students should be graded. If the student is old enough to value his time and wants to learn, he should not be excluded because he does not know more.

"A radical mistake is the class system. Why should men be made for years to sit upon the same bench, because they enter college together? No definite course of study should be forced upon the student. We may advise, but not insist." "Why turn the student off at the end of four years, if he wants to continue his studies?" "Another radical evil is, that there is no competition in teaching; there is a certain amount of election in studies, but none at all in teachers. Give to a man a position and a lecture room, and let him make his own way. If a man is fit for his work, the fees of the students whom he will shortly attract, will be enough for his support. The college gets the benefit of his talents, with no burden of his salary. Colleges should be arenas, where every one who has something to say is welcome."

"The idea of rank among the students is like a baby show and utterly out of place in a university."

"It is too much an object to give exclusive instruction to the privileged classes."

"The German system is designed to discipline obedient subjects; our problem is different."

"All our doings, praiseworthy as they are, are too limited in their range."

Agassiz emphasized, not what we *have* done, but what we ought to do, suggesting a never-ending progress adapted to the conditions of a life daily more full of power and possibilities. He declared that "we are to *find* a system which shall make of our youth, men and women fitted to bear the responsiblity of American life and American citizenship;" or, as another has said whose life has been given to university work, and who has been repeatedly called to give his services to the country, the president of Cornell University, "I had rather send forth *one* well trained young man, sturdy in the town meeting, patriotic in the caucus, earnest in the legislature, than a hundred of the gorgeous and gifted young cynics,

who lounge about clubs, talk about 'art,' and 'culture,' and wonder why the country persists in going to the bad."

Those members of this Department who then heard Agassiz, still speak with gratitude and delight of the beneficial influence of his suggestions. So subtle are these influences that we are ready to believe that those universities which are most positively adjusting themselves to the needs of our country and time to day, may have been inspired by the opinions so feelingly urged by Agassiz. I refer especially to Boston University, which sustains a post-graduate course; and to Michigan University, which has this year established a chair of the History, Theory aud Art of Education; and to the proposition of President White, that each of our most important colleges and universities should establish a full under-graduate course, with the primary object of giving advanced instruction in history, political and social science, and jurisprudence.

OBJECT LESSONS.

An effort to train the faculties of the young, the eye to see and the ear to hear, so often insisted upon by Agassiz before this Department, was made in Boston last winter, by a member of the Board of Supervisors (Miss Crocker), assisted by other ladies. These ladies planned and supported a series of Saturday lectures, to the teachers of the public schools, on Natural Science. Professor Goodale gave six lectures on "The Growth, Work, and Useful Products of our Common Plants:" Mr. Burbank gave six, on "The Common Metals and Minerals:" and Professor Hyatt, twelve, on "The Structure of our Common Animals." These lectures were of such quality that even specialists were glad to hear them, and as they listened, they were reminded of the seed sown so generously by Agassiz in years past. The average attendance of teachers upon this course was five hundred. *How* they were impressed by what they heard, and *how* these lectures were applied daily in their schools, is well told in the "Primary Teacher," a journal published in Boston. Might not this Department encourage a similar work in other cities?

These are some of the ways in which this Department has manifestly done good work. Enough has been said to encourage the new members to work in the same direction, and to show the older members some results from their early efforts, and the Association that this department has proved its right to exist.

But to *have* done something, does not satisfy the claims of the present upon our time and thought.

You have listened this morning to the able arguments in favor of a measure new to this Association: I mean that of "School Suffrage for Women." If the less is prophetic of the greater, and full suffrage follows the granting of a limited suffrage, in any State, this may prove the most powerful and practical educational influence which can be brought to bear upon women. That such is the opinion of prominent thinkers, is proved by the admission and discussion of the subject in this Association, which never entertains purely political questions.

CO-EDUCATION.

The abolishment of sex disabilites in education, has received the sanction of such prominent universities as those of Michigan, Cornell and Boston. President Barnard, in an able argument, and President Bascom, through valuable statistics, have endorsed co-education, and something that looks very like it is indicated, when President Eliot offers such a resolution as the following, in the Board of Overseers of Harvard University: "*Resolved*, That in the opinion of the Board of Overseers, it is *expedient* that women be, under suitable *restrictions*, instructed in medicine in Harvard University Medical School."

Boston University also finds it expedient to educate women in its medical department, and in a successful experience of six years finds no *restrictions* necessary.

It seems to be the duty of this Department to note the fact, that not only the demand for classical and professional training of women is increasing, but that a large number of educators, foremost in reputation and influence, believe that it is easier and wiser to open existing, well-endowed colleges to meet this demand for culture, than to found new, and of necessity, scantily equipped ones, to either languish and die, or, as has already been the case, to be absorbed by the older and more vigorous institutions.

CONGRESSIONAL AID FOR COLLEGES.

The National Board of Education, at its last session, voted that a committee be appointed to use its influence in Congress in favor of securing aid and support for colleges and technical schools for women, only. If the appointment of such a committe is a wise

and proper thing to do, is it not desirable that this Department make a similar provision, or, endorse the action of the National Board of Education? If such action is *not* desirable, if it is contrary to the usage of this country to make educational provision for either sex alone, by donation of public lands or money, then such a record of opinion should be made by this Department as would tend to restrain any unusual or undesirable disposition of public money. It is hoped that this subject will receive the attention of this Department at the proper time.

WOMEN AS TRUSTEES OF COLLEGES.

Many parents are distrustful of the moral atmosphere of our large universities and colleges. If competent women—the boys' mothers—were invited to occasionally serve as trustees, might they not be expected to aid in reducing the number of students who indulge in minor vices, in unifying the scale of morals, in giving a more home-like and inviting air to college commons, and a life and earnestness to the avowed formalism of the required religious exercises.

Does not this suggestion seem reasonable, when we consider that the parents are demanding that their sons shall have as *fair* a chance to attain a pure manhood, as their daughters to attain a pure womanhood!

CONFERENCE OF COLLEGE PRESIDENTS.

In science, arts, medicine, and elementary education, annual meetings for conference and mutual instruction are found to be profitable to the participants. Would not a national annual conference of the presidents of universities and colleges, of those who represent and are responsible for the development of all that is best in higher education, be of immense service to the country? Such conferences might secure a united and healthy growth in those educational methods which are regarded as essential to success in all countries, while entrance examinations, courses of study, electives, degrees, discipline and other matters of mutual interest, might be so adjusted as to save perplexity to the parents, and to the teachers of the fitting schools, and what is also of great importance, *time* to the students.

One such conference was held in Columbus, Ohio, in 1877, eighteen institutions only sending delegates, and the meeting ad-

journed *sine die*. Should this suggestion meet the approval of this Department, how can it best be encouraged?

REVISION OF ENGLISH SPELLING.

This Department, in common with other representative associations, should put upon record its opinion upon a subject now commanding attention. I refer to a revision of English Spelling. (The word reform in this connection seems objectionable.) In addition to the arguments presented in its favor by philologists, it may be said that on account of the economy of time, and less expenditure of vital force, such a revision as is suggested should meet with immediate approval. Mr. Cutter, the librarian of the Boston Athenæum, unites his approval of the revised spelling with practical illustrations, in a recent article in the Library Journal, a method which other no less earnest advocates of a change in spelling would do well to imitate, while elaborating their arguments.

STATE SUPERVISION OF SCHOOLS.

I reserve as a last, but most important suggestion, the duty of this Department to encourage a systematic supervision of all the public schools.

Many thoughtful people are sensible of the importance of such a supervision, and would be ready to unite with an association like this, or with associations of teachers, in petitions to the State legislatures for greater uniformity and efficiency in conducting our common schools.

Does not any State, which has made education compulsory, become responsible for the quality of the instruction given?

While taxing every citizen for the support of the common schools, should not the State see that the best instruction possible is carried to its furthest boundaries? And this should be done in some impartial manner, outside of politics or favoritism of any kind. Such an expression of public opinion would be certain to command attention and respect. We might thus hope for a thorough and intelligent State supervision, with the result of giving even the outlying hamlets better teachers and better methods of teaching, at salaries which would command the best talents; improved text books and appliances for study, and more suitable courses of study; the supervision of the health and moral tone of the children, with greater regard for the hygienic condition of the school and its

surroundings, now so often disgracefully neglected. This last topic has such an important bearing upon the educational interests of those States which have no organized system of school supervision, that this Department recommends the examination of the subject in detail, at some future meeting of the Association.

Free from local and sectional interests and prejudices, as the American Social Science Association is, no other associated body can more freely point out defects in our educational system, or better indicate needed reforms.

THE VOTING OF WOMEN IN SCHOOL ELECTIONS.

READ BY PROF. A. P. PEABODY, OF CAMBRIDGE.

(September 10, 1879.)

Suffrage is not a natural, but a conventional right. The natural right is, that government be, so far as is possible, impartially just and beneficent to all its subjects. There are conditions of society in which this right would be better secured under a despotism than in a democracy. An ignorant or vicious democracy may have unlimited power, but has no rights. Even under a (so-called) democracy of whatever type, universal suffrage is out of the question. Were suffrage a natural right, it would belong to all who could carry a vote. But common consent limits the right to those who — it is supposed — can exercise it beneficially. The qualifications of age, sex, intelligence, property, are discussed on all sides, on the ground, not of abstract right, but of expediency. No one is ready to admit the right of suicide as among the rights of a state, and unless that right be admitted, the greatest good of the whole must be the criterion for determining who shall vote, when, and how.

The question of women's suffrage in the elections and measures appertaining to public schools, ought not to be confounded with the general question of female suffrage. Of course, the last-named right includes the former, and whatever reasons exist for giving women the right of voting on all public affairs, are fully applicable to the system of public education. But there are some considerations in favor of female school suffrage, which depend for their force on the continued exclusion of women from suffrage in political elections, nay, which spring from the very reasons that exist in many minds for opposing female suffrage in general.

It is objected to female political suffrage, that it would of necessity be universal in the worse direction, limited in the better; that a large proportion of educated and trustworthy women would absent themselves from the polls, while all the ignorant and vicious women in the community would be drawn into the ranks of one or the other party, their votes purchased, and the preponderance of their unintended and unintelligent influence given to the party which, either in the possession or in the hope of government spoils, could afford the highest bribes. There can be no doubt that in case of the extension of suffrage to women, it would be with them as it is with men now. Every woman who ought not to vote would vote. The processes of premature naturalization, paying taxes for those who would else be excluded, and fraudulent repetition of votes, would be as diligently employed among women as among men; and however desirable it might be to have the votes of women both wise and good, the accession of large numbers of any description of persons without intelligence or principle to our already hardly manageable list of irresponsible voters, is not unreasonably deprecated. But in school affairs no such danger exists. The emoluments of our school boards would furnish no funds for the qualifying of voters. Those who would vote, would have to pay their own taxes. Consequently, the only women who would avail themselves of this privilege would be those who are sincerely interested in the schools. At the same time, if school elections were held, as would be almost necessarily the case, on other days and at other places than those of the political elections, we should have not only the presence of really interested women, but the no less desirable absence of such men as know and care nothing about our public schools. In fine, endowing women with the school suffrage, is equivalent to putting the control of our schools into the hands of those who are conversant with their condition, and who feel sincerely concerned for their welfare.

Again, it is objected to woman suffrage in general, that it would in various ways be fatal to the due position and influence of women in the family and in society. The following are among the allegations currently urged: Female suffrage would make party politics the engrossing interest of home and of general society, to the exclusion of more refining and elevating subjects. It would make a large proportion of women politicians,—many, in the worst sense which that name bears; many more, in ways which would render

them coarse, masculine, offensive, annoying. It would cut off men's only rest and refuge in times of strong political excitement. It would interfere with the comfort and the benign efficacy of home, which depends for its beauty and its beatific power, in great part, on the sequestration of its priestess from the ruder conflicts and the fiercer passions of out-of-door life, from the hardness and bitterness of party warfare, from the excitement of the caucus, the mass meeting and the election scramble. These objections may all be resolved into one, namely, that there are in political life elements intrinsically unfeminine and outside of woman's appropriate sphere. This objection, if it means anything, implies that woman has her own appropriate sphere, and ought to take under her charge whatever belongs to it. Now, of educational interests, we may affirm the reverse of all that is alleged concerning the vernacular politics of the State and nation. They are refining and elevating. They are most intimately connected with home-life, and with the duties that necessarily devolve on women. The more diligently they are cherished, the more useful, honored and beloved is woman in her home relations, as wife, mother or sister. If there is anything within woman's sphere, it is education; and every reason that can be urged for precluding her from concerns beyond her sphere, is a reason for giving her full influence, authority and power in the management of schools and the choice of their functionaries.

I have spoken thus far of the subject in hand as if universal female suffrage were out of the question. I believe that it is so, for the present, in our older States. There is, undoubtedly, a growing tendency of public opinion in that direction. This tendency will be neither hastened nor retarded by female school suffrage. Whenever the major part of the intelligent and respectable women in any State want to vote in political affairs, they will have their way. But in the partial exercise of the right of suffrage there will be fully as much to dissuade as to encourage them in the quest of the full right; for with persons of any moral susceptibility, every right has its corresponding burden of duty, obligation and responsibility, and there will always be as many who will shrink from the needless burden, as there will be who will covet the withholden right.

Let us, then, consider the benefits to our school system, and to the whole community, which may be anticipated from female school suffrage alone. In the first place, it will be of unspeakable

benefit in many of our towns and cities to have the school vote sundered from all alliance with party politics. As the case now is, the school committee are nominated at the same time, in the same way, and under the same auspices with the other municipal officers; are voted for on the same ticket, and are — oftener than not — regarded as representing the dominant party rather than the educational interest. To be sure, the office has no spoils worth contending for; but it is often the means of bringing before the public a fresh candidate for its favor, and of placing him on the route to more lucrative preferment; and I have known instances in which a man, otherwise not unsuitable, has sought the office with great pertinacity, confessedly not because he cared for the schools, but because he was aiming at a seat in the legislature. Where schools are under political management, each party generally has its own school policy. One party is for a more generous, the other for a more niggardly expenditure; one for home-born teachers, the other for the best wherever born; one for severer, the other for less rigid methods of discipline. Thus with a change of parties there is often a change in essential portions of school policy.

Yet worse (for in this matter men are often of more consequence than measures), a school board not infrequently loses its most valuable members, not because their school work has been censured, but because their names happened to be on the ticket of the losing party. I have known cases in which party leaders have regretted that the discipline of their party had cost the community the services of the most efficient member or members of the school board.

The case is less harmful, but even less tolerable to the victimized, when the school board has a mixed character, composed in part of men who care for the schools, and in part of political retainers or aspirants. This is seen in some of our cities, where different wards nominate their members of the board on unlike grounds. In such cases, if the friends of education have the majority in the board, they can keep it solely by perpetual vigilance; the most necessary measures are carried only with opposition at every stage; and the essential business is clogged and delayed by a system of filibustering copied from factious minorities in Congress, and specially designed for full reports in the local newspapers. Nor are instances wanting in which, by the manœuvering and trickery of minorities versed in the meaner order of political tactics, the most

disastrous consequences have resulted; carefully constructed systems have been set aside for experiments that had only novelty to recommend them; faithful teachers have found their best work undervalued and vilipended; and improvements of the utmost importance have been arrested in the name of a false and injurious economy.

If our school elections can only be made to depend on the qualifications and merits of the candidates, there is no reason why our schools may not be under the most judicious management, retaining all that is worth keeping in past methods, and constantly advancing from bad to good, or from good to better.

Another reason why we would favor female suffrage in school matters is, that we want and need women on our school committees. We as yet have had very few; but those few have rendered important service. In one instance, a woman at the head of a school committee was acknowledged by all her towns-people to have done more for the schools in a single year than had been effected by committees of men for twenty years before. It is admitted, I believe, in Boston, that the schools have never had more able and efficient servants than the women on the school board. There are many of our country towns where it is difficult to find men, but easy to find women, who have the ability, culture, disposable leisure and willingness to serve, which are needed on a school board. But if women are to be elected for this service in any considerable numbers, it must be mainly through the influence of women. They best know who, among themselves, are fitted for the work; and they, in general, are far more solicitous than men to have the work well done.

Here I have reached a point at which it is difficult to discriminate between suffrage and office, the electors and the elected; for the most weighty reasons why women should take a large share in the school suffrage, and those for their being largely represented on the school boards, are in part identical, and in part so nearly identical that they may be fitly considered together.

Women should vote and hold office in school matters, because they, in general, far surpass men in educational ability, tact, experience, knowledge and wisdom. Every mother, worthy of the name, is an educator. Men bear comparatively a small part in the training of their children. The child's first lessons are at his mother's knee. She understands child nature; is conversant with

the avenues to the child's mind and heart. What men who are not professional teachers know about education, is, for the most part, from theory, tradition, authority, — not from experience. A system wins their favorable regard, not so much by its intrinsic merits as by its completeness in the externals of organization, precision, drill and statistics. They are apt to be satisfied with methods that look well and sound well, even though they weary the pupil's body, or starve his mind, or substitute amusement for instruction, or mechanical performance for intellectual achievement. I am inclined to think that mothers often grieve and murmur, where fathers approve and admire because everything is done by rule. It is no uncommon thing for a mother to express distrust, even dislike, of the kind of puppet movement, machine work and parrot utterance, which, on a review day, is sure to make a profoundly favorable impression on an average committee of men. In saying these things, I am only stating what could hardly, by any possibility, be otherwise. There are many fathers who scarcely see their children, except on Sunday. With the present hours and customs of the inhabitants of our larger cities, and still more, of their suburban population, there are thousands of men who are absent from their homes from the early morning till near their children's bedtime. Meanwhile, the mother has the child's confidence; asks him about his school experiences; hears from him whatever has interested him at school; tests his knowledge of letters and their powers, of words and their meaning, of numbers and their combinations; keeps herself *au courant* with his school life. I know that there are mothers, of whom this is not true,— mothers who hire deputies, and are strangers to their own children; but they are a small minority. Nine-tenths of American mothers are mothers to the uttermost of their knowledge and ability,— many of them, indeed, not over-wise; some of them not very able, but putting into their motherhood the best that they have and are, and better fitted to judge and act as to what concerns their children than as to any or all other things whatsoever.

I am sure that I am not expressing this opinion as to the comparative intelligence and interest of men and women in school matters on *a priori* grounds. During a large part of my life I have been on school boards, and am now in my eighth or ninth year of continuous service in the city of my present residence. Parents come to me very frequently on school business; but ten

mothers come to one father. Indeed, a father hardly ever comes, unless he is a widower, or his wife an invalid. On the other hand, a wife will often come with an infant in her arms, or leading a child too young to be left alone. This, of course, among the poorer classes. But in higher social regions the case is similar. The son of a merchant or a professional man has been guilty of some school offence for which he is sent to me; I send a message or a note, asking to see his father; his mother comes instead; or, if the father comes, he will, more probably than not, tell me that his wife insisted on his coming, and will refer to his wife's authority for whatever he affirms or promises. I am often surprised, not, indeed, at the intelligence of women of culture as to these matters, but at the good sense and right feeling of women who have only poor and mean surroundings. I may misjudge the characters of my teachers; but I find that my opinion — such as it is — of the primary school teachers under my ward, is generally coincident with that of the mothers of their pupils. These mothers very promptly detect faults of discipline, or defects in teaching power. They uniformly appreciate kindness, assiduity and faithfulness on the teacher's part, and know whether their children are improving or not. At school examinations, I meet many mothers and sisters; rarely a father. I find that many of the teachers under my charge maintain a friendly intercourse with mothers of their pupils, not in consequence of advances on their own side, but because the mothers feel that they have business relations with the school and the teacher, and they prefer to transact the business in person.

There are, among the mooted topics of school government, discipline and instruction, not a few subjects on which the experience and judgment of women, whether as voters or as school officials, possess a much higher authority than can be conceded to men. Let me enumerate a few of these subjects, of which the list might be indefinitely extended.

The questions relating to bodily chastisement, are, I suppose, settled in but few of our towns and cities; perhaps not finally settled in these few. Should such chastisement be wholly disused? Should it be reserved for extreme cases? If so, under what conditions or restrictions? If it be abolished, how shall its place be supplied? This is not so easy a subject as it seems. Even on the score of humanity to the child, the question has two sides. There are not wanting cases in which the stubborn child, whom a moder-

ate school chastisement might subdue, is sent home, to be brutally whipped by a savage father, or even by a father who sincerely thinks he is doing his duty. My own opinion, indeed, is in favor of the entire disuse of bodily infliction of every kind, but I am not so sure that I should not welcome the judgment of an assembly of mothers; and if I had as colleagues on the school board, two or three such women as would best represent my female fellow-citizens, I should accept their decision as literally a verdict,—a *verum dictum*.

Another important class of questions relates to the hours of school. How many hours, each day, shall be spent in school? How shall the hours vary with the age of the pupils? How much time shall be given to recesses! Shall there be one session or two, each day? In connection with these is the closely allied question, Shall any, or if any, how much school work, and by what classes of scholars, be required to be done out of school? These are questions of vital importance to the health of body and of mind. They have hitherto been answered chiefly by men, and I know that mothers have often been dissatisfied with the answers. Almost down to our own time they have been treated with little regard to the child's limited power of labor or endurance, and need of exercise and recreation. The tendency is now, as it seems to me, toward the opposite extreme, by which work is subordinated to play, and the mental regimen is administered according to Hahnemann's method of infinitesimal doses. The majority of mothers would repudiate both extremes; and under the advice of women competent to the office, our school hours and requirements would be much more nearly adjusted to the average child nature than they ever will be by male educationists, who are very apt to regard children as capable of unlimited endurance and unrestricted experiment.

With regard to the material conditions and mechanical arrangements of the school room women would, in general, be wiser than men. Their in-door and sedentary life makes them more sensitive to whatever concerns heat and ventilation; and their instinctive perception of fitness and comfort would be of important service in settling the controversies between diverse patterns and antagonistic patents for school chairs and desks. Their keener æsthetic sense would relieve the bald and niggardly utilitarianism of the accessories of education by whatever of beauty could be won from surrounding nature, or supplied by costless art. *Costless* art, I say; for beauty in proportion, form and color, costs no more than ugliness,—nay,

sometimes costs less; for, *ne quid nimis*, "nothing too much," is, equally with "nothing too little," a canon of good taste. Under the government of women, I am sure that our school houses and rooms would be clean and neat; that flowers would not be wanting there; that if there were a patch of unused ground on the premises, it would not be abandoned to burdocks and stramony; and that, if a new site for a school house were chosen, a spot would not be selected (as has been too often the case in our country towns), because it was a spot that could be of no other use or service for man or beast.

Then there are various departments and methods of school work, in which the judgment of women is worth immeasurably more than that of men. The teaching of needle-work in our public schools has been strongly, in some instances successfully, opposed by men; and committees of men have repeatedly refused to admit it, or have rejected it after a confessedly successful trial. To me it seems essential. To many a poor girl it is of immensely greater importance that she should know how to sew, than that she should be able to read. It may, in numerous instances, determine the question between a worthy, thrifty and useful life, on the one hand, and vice, infamy and ruin, on the other. But I am less affected, in this matter, by my own judgment, than by the fact that I know of but a single woman of sense and culture that does not think on the subject as I do. I find that the women with whom my school labors have brought me into communication are, without an exception, emphatic, earnest, zealous in the cause of needle-work in schools; and I am sure that, wherever women can hold the balance of power in school elections and legislation, not a girl will be left without a skill that shall enable her to keep in fitting repair her own garments, and, in due time, those of her husband and children.

As to the improved methods of elementary education, they have almost all been imported into schools from the nursery, and owe their invention to women, however largely men may have borne part in their propagandism. Under the old régime, there was an almost impassable barrier between the alphabet and its use, and it was no uncommon thing for an infant class to wait for weeks or months after learning the forms and names of all the letters, before they had the slightest comprehension of their power; for there is no more intrinsic reason why *c-a-t* should spell *cat*, than why it should spell *elephant*. It is found on trial that letters can be

learned much more readily by their sounds, that is, by their actual position and use in words, than by their conventional names. But this, so far as I know, was a discovery of Maria Edgeworth, in teaching her father's younger children. It was embodied in her "Essays on Practical Education," published almost a century ago. It was successfully tried by many mothers on both sides of the Atlantic; and if wise women had had the direction of our schools, it would have found its place there, without the aid of those special alphabets and abnormal modes of typography with which it is now identified. By these phonographic devices the labor of learning to read is so much abridged as to reconcile me to the leaven of charlatanry by which, chiefly, as I think, they have been adapted to the receptivity of the masculine brain; but the work would have been better done if more simply done, as would have been the case but for the intervention of book-making men.

It is equally from the nursery that have been derived the various methods of elementary teaching by which real instruction takes the place of books; lessons about things, of mere meaningless words; and exercises in speaking and writing English, of that hybrid pseudo-grammar miscalled English, on which so large a proportion of school time has been wasted.

Technical methods, pretentious text-books and plausible canvassers, would have their claims most thoroughly tested by the patient attention, cautious good sense and unerring tact of the judicious women who ought to be on our school boards. Men, indeed, are lavish of utterances of distrust, or even contempt, for whatever educational novelties are forced upon their notice; but they often lack the time, as often the patience, for careful examination; they yield to importunity in order to save themselves trouble; and as to many a worthless text-book, that has had a brief, but wide and lucrative popularity, lasting till it was found out, the story of its introduction would be a paraphrase of that of the unjust judge in the parable, substituting the inextinguishable agent for the poor widow of whom he said, "Lest by her continual coming she weary me." Changes of text-books are oftener an evil than a benefit, and an evil that would be greatly diminished, were more quiet leisure, such as many women, but few men, can bestow, given to the examination of the old books and the new.

The relation of the kindergarten to the common school system, is an important and pressing subject, on which we need women's wisdom. For my own part, I do not believe that the method of

the kindergarten, as a whole, is practicable or desirable in our public schools; while I doubt not that there are some of its features, modes and principles, that would add largely to the usefulness of these schools. But with committees composed wholly of men, the alternative will probably be adoption or rejection *in toto;* while we might expect of women a detailed examination of the German system, and a wise eclecticism which should avail itself of whatever will bear transplanting into the so very different condition and surroundings of our American schools.

These are but specimens of the many educational topics to which the attention of women is much more likely to be called, than that of men, and on which, equally by nature, condition and culture, they are better fitted for judicious decision and action.

It must not be forgotten that there are in our public schools, at every moment, more girls than boys,—the sons of working men, and, to a very considerable extent, those of business men, being removed from school at an earlier age than their daughters, for labor, apprenticeship or clerkship. The management of girls constitutes, therefore, a preponderant portion of the school work as to which voters must decide and school boards act. Who will maintain for a moment that men know as well as women what sort of régime is fitted for female pupils; what they need; what they can, and what they cannot bear; how far they are benefited by the same methods that are pursued with the boys; and in what respects, rules and requirements should be modified in their behalf? Then there are the questions still at issue as to the co-education of the sexes, — whether it shall be in all grades of schools or in the lower only; and whether, in schools of the higher grades, girls and boys shall be required to pass over the same curriculum; or whether the courses of study shall be so varied, at the option of the girls, as to embrace less of mathematics and of technical science, and more of art or of literature. These are problems, in solving which, men have wrought tentatively and awkwardly, and in which the authority of wise and cultivated women ought to have prevailing weight.

Even a stronger reason why women should be directly and influentially concerned in the management of our schools, is, that so very large a proportion of the teachers are women. I have not collected statistics to any considerable extent; but from the field comprehended within my certain knowledge, I should say that there are, at least, six times as many women as men employed in

our public schools. The proportion has increased greatly within the last few years, and is still increasing. This increase is due to several causes. The standard of female education has so far risen, as to furnish an enlarged number of well-qualified female teachers. It has been discovered that the teaching faculty exists much more largely, and with more numerous cases of exceptional ability, among women, than among men. There is, also, another reason, of which men ought to be ashamed, and which, I trust, female suffrage will cancel, namely, that a woman's services can generally be obtained for half, or less than half, of what would be paid for a man's much poorer services. The instances are not rare, in which the principal of a school — himself of moderate capacity — owes his reputation in great part to the energy, ability and zeal of his female assistants — both born and thoroughly bred to the work — whose wages are less than his savings. Indeed, the literal meaning of the word *salary* — *salt-money* — is hardly too mean to be applied to the paltry compensation which many highly gifted and educated female teachers are now receiving. This gross injustice, we trust that female voters will not be slow to remedy.

But apart from this, I think that every man who has had any considerable amount of school service, has encountered subjects and occasions on which he could not have so full an explanation and understanding with the female teachers under his charge, as a woman in his place might have had. There are important questions and details of school régime into which conventional delicacy forbids him to enter. There are confidences which a female teacher wants and needs to make, which she cannot obtrude upon a man. A closer intimacy with members of a school board, and a fuller sympathy than it can ordinarily be becoming for a man to invite or cherish, would be of unspeakable worth to a young girl at the outset of her career as a teacher; and hardly less so, at the epochs of peculiar difficulty, trial or discouragement which will chequer her whole subsequent course. I doubt whether there could be found a female teacher in the younger half of the number — perhaps not many in the older — who would not receive as a veritable Godsend the supervision and the kind offices of such women as would be of her committee, were there women, elected by women, on the board.

I have thus given in detail the various reasons why women should be invested with a full share of authority, and should perform their full share of duty, in connection with our public schools.

There is yet one additional reason, underlying, overlapping and exceeding all the rest. The school should be regarded, not as a separate institution from the home worthy of the name, but as the extension and complement of the home. The parental spirit should pervade the discipline of the school, and a home feeling should be cherished among the pupils, — a spirit which will be recognized as congenial, a feeling which will rise spontaneously, in the hearts of the nurslings of true homes, and which will impart home-like experiences to those whose dwellings are not homes. The tendency of artificial, man-made school systems, is often in the opposite direction. I sometimes think, in a school with a teacher (whether man or woman) of the martinet type, that the formative germ of the school system is derived from the army, rather than from the home. We must look to women to make our schools more and more home-like. I am sure that their participation in school work must have this tendency. They will vote and serve in their educational functions, without losing their self-consciousness as mothers and sisters.

One word in conclusion. Were there not a public school in the country, and were such schools about to be established now as an entirely new institution; were it foreseen that the schools were going to share the work of education mainly with the mothers rather than with the fathers, and that the major part of the pupils would be girls, and five-sixths of the teachers women,—would the wisdom of the nineteenth century submit the entire system to the management of men; or would it not rather seem so pre-eminently the work of women, that, though men might take the nominal lead (as they are wont to do in all public matters), the authority, influence and service of women would be deemed indispensable? To this question there can, I think, be but one answer. Why, then, should we not reorganize our system on the plan on which we should construct it *de novo?* When our public schools came into being, they were not meant for girls, and the education of women was regarded as of little consequence. The schools thus, in the beginning, were necessarily the concern and charge of men. But now that women are men's peers, and more, as to culture, and receive this culture chiefly at the public charge, there remains no reason why they should not render to the public the reciprocal service of control, care and government, in the educational system of which they have become the most favored beneficiaries.

RELATIONS OF CHRISTIANITY TO THE COMMON LAW.

READ BY PRESIDENT ANDERSON, OF ROCHESTER UNIVERSITY.

(September 10, 1879.)

The moral code of a people is, speaking generally, derived from one or all of the following sources: either (1) from Divine revelation or what it believes to be such; or (2) from the aggregate of the moral judgments of the community, as expressed in moral treatises or in proverbs or fables; or (3) from what common and long continued experience has wrought into customs supposed to be obligatory or useful.

In an ideal state of things, this moral code would be in harmony with absolute right. But practically, no human society attains to such a condition, hence there are always two standards of action, the ideal and the actual. In a community which is in a state of moral progress, the tendency is towards a conformity of the actual with the ideal. I shall take account here, only of the moral standard which represents the average of opinion among a given people. The penalties for the violation of such a code are in general: (1) The consciousness of ill desert and self-condemnation on the part of him who offends against it. (2) The concentration against such an offender of an outraged public opinion. (3) The fear of Divine retribution either in this life, or the life to come. However severe these penalties may be, they are not, and cannot be, described, defined or fixed by civil enactments, nor enforced by civil officers through physical pains and penalties. It is only in a vague and metaphorical sense that the term *law* is used in regard to morals. The uniformly acting force to which we give the name *law*, is simply the constantly recurring "ought" or "ought not" of the conscience. As an expression of the will of Him who constituted the mind, it may be called a command. But it is not, either in the mode of its expression or the fixed and objective nature of its penalties, analogous to the civil law.

The civil law covers that portion of human obligations which it is possible, or legitimate, to sanction by physical pains and penalties. It consists of a body of rules enacted by the State, designed to mark out courses of action to the obedient, and to limit and

determine the action of executive and judicial officers in the application of its penalties to the disobedient. These laws among civilized peoples are: (1) either written commands formally issued by the legislative authority, with definite penalties announced; or (2) judicial decisions by which these commands are interpreted, harmonized or supplemented. These decisions, in order to be laws, must be liable to enforcement by similar pains and penalties with those written commands on which they are founded.

This pretorial or judicial legislation last named, is built up in general: (1) by giving legal authority and sanctions to prevailing customs having their origin in religion, race-peculiarities and external physical conditions; or (2) from the adoption, by the judicial body, of the oral or written opinions of men whose judgments from any cause may have come to have weight sufficient to justify their acceptance; or (3) from the adoption, by the judiciary, of the doctrines and provisions of celebrated foreign codes which have acquired authority by time or their intrinsic excellence; or (4) from the adoption, from time to time, of maxims and principles from the code of morals commonly received in the nation, but hitherto unexpressed in positive law.

As all these sources of civil law alike represent, in a greater or less degree, the average moral opinions of the people governed, it is evident that law and its sources, in the moral life of any nation, mutually act and re-act on each other. There is a tendency on the part of the law to affect the moral judgment and moral action of the governed; and a still stronger tendency on the part of an existing moral code to become incorporated into the body of the civil law. The two systems always tend to approach each other. If the morality of the law is in any considerable degree above public moral opinion, its requirements will be evaded or executed with difficulty. If, on the other hand, the public morality is above that of the law, there will be a constant, and, in the end, a successful effort to elevate the tone of the law or to give it additional severity in execution. In countries despotically governed, the movement which tends to assimilate the public and private law to public moral opinion will be indirect and slow. In governments where the appeal to public opinion is direct and frequent, the adjustment between the practical public conscience and the civil law is likely to be rapid and easily effected.

In countries where (as is common) the great majority of the

people have accepted a given religious faith, that faith will influence most powerfully for good or evil the moral code which they accept and practice. As all accretions to a nation's laws, either through statutes or judicial agency, must be drawn ultimately from its code of morals, all efforts for legal reform which are likely to be permanent, must begin and be carried forward by corresponding efforts to elevate the standard and practice of personal morality. It will be seen, however, that though there is a close relation between a nation's moral code and its civil law, they are always to be discriminated from each other. Customs and moral precepts, however much they may be respected, and however widely they may be diffused, are not *law* until they have been incorporated into some statute or have been recognized as binding by some authoritative judicial body, so that their observance can be enforced by physical pains and penalties. Many writers, speaking of the common law, or the *Lex non scripta*, as distinguished from statute law, which is designated as the *Lex scripta*, convey the impression that in our country and England there exists a body of customary or common law outside both of statutes and authoritative legal decisions. It is true that in all trades and forms of business there are manifold usages which have existed time out of mind. But neither these nor any particular or general precepts of morality are law, or can become law, until they are formally decided to be such by some authorized and regularly constituted judicial body.

Still more clearly is the relation of morals to law illustrated in equity jurisprudence. Grotius says, "*æquitas est virtus voluntatis correctrix ejus quo lex propter universalitatem deficit.*" Schlegel defines equity as "the law qualified by historical circumstances." Mr. Charles Butler says that it "arises from the inability of human foresight to establish any rule which, however salutary in general, is not, in some particular cases, evidently unjust and oppressive." It is evidently impossible that any code or single statute can embrace all the infinite variety of human discords and relations, or can provide for all possible contingencies in the definition of any particular class of rights and wrongs. Hence some contrivance to meet those cases in which the application of existing laws would, in the manifold complication of human affairs, work evident injustice, must, in every rational system of jurisprudence, be provided.

It is evident that, in this correctional system which is called

equity jurisprudence, the judge must be limited in his decisions by rules and principles drawn immediately and directly from the common moral code or system of the nation, lying outside of, and apart from, the strict letter of the law. When such moral principles have once been incorporated into decisions, they soon, by being classified, pass into equitable rules, become guides of future magistrates, and, within their proper sphere of application, have the authority of law. Equity may be defined as the direct conversion of moral precepts and judgments into legal decisions by the authority of a court. These moral principles may be drawn from the ordinary current moral code of the people; or from the writings of men who have given special attention to conflict of duties and cases of conscience, such as writers on ethics, casuistry or canon law, or from foreign codes and commentaries thereon, such as the Roman law and its expositors.

Judge Story says: "From the moment when principles of decisions came to be acted on in chancery the Roman law furnished abundant material to erect a superstructure at once solid, convenient and lofty, adapted to human wants and enriched by the aid of human wisdom, experience and learning." Com. on Equity Juris., § 23.

The fact that the early English chancellors were clergymen, specially versed in the canon law and casuistry, illustrates the immediate nature of the process through which moral rules were, by equity courts, changed into law with physical penalties attached. Spelman says that priests were made viceroys during the absence of kings 7 times; 12 were made justiciars; 160, chancellors; down to the 26th year of Henry VIII. Down to that time also, all Masters of the Rolls were taken from the clergy. From the nature of the case these correctional judgments must have been at first vague and unsystematic, but the thought of centuries has reduced the principles of judgment to orders and classes, which, though refined and complicated, are reasonably fixed and certain.

Casuistry in the hands of priests, and equity in the hands of men like Lord Eldon, have acquired a bad reputation. But we suppose that treatises on practical ethics and chancery law can each show a body of fixed and definite principles. We suppose that the decisions, which have grown up in the lapse of time, are sufficiently definite to guide the equity judge in his labors, by ways nearly as clear and simple as those which statutes and decisions mark out for

the courts of law. We must, of course, leave it to professional knowledge to decide whether Lord Bacon's ideal of a law court and the rules which should guide it, can be realized in equity courts and equity jurisprudence: *etenim optima est lex quæ minimum reliquit arbitrio judicis; optimus judex qui minimum sibi.*

We will now consider how these general principles are illustrated in the actual growth of Roman and English law, with the view of ascertaining, if possible, the actual relation in which Christian morality and doctrine stand to the English and American common law at the present time.

An alien sojourning in Rome, the sovereign government of whose country had no treaty of alliance with the Roman people, "had no rights which the Roman Tribunals could enforce." [Austin, vol. 2, p. 570.] This unsocial maxim obtained in the Roman law from the earliest times to a late period of the empire. When a nation was conquered by Roman arms, the people were not made Roman citizens, nor, on the other hand, were they stripped of all rights. Generally they were permitted to retain their ancient forms of government so far as was consistent with subjection to the Roman power. It was an admitted principle that "the law of Rome itself should not be applied, unless the law peculiar to the particular region shall afford no solution of the legal difficulty." [Austin, vol. 2, p. 571.] Hence it followed that, in controversies between Romans and provincials, or between provincials belonging to different subject nations, there was no law or court available. To provide for such contingencies, which became more and more numerous as the Roman Imperium extended, a new magistrate was created called the Prætor Peregrinus, in distinction from the Prætor Urbanus who presided over the administration of justice to Roman citizens. This Prætor Peregrinus dispensed justice in cases arising: (1) between Roman citizens and provincials, (2) between citizens of different subject provinces, whose residences might be in these provinces themselves or Rome. The duties of these magistrates led them to seek out similarities and analogies between the laws and customs of different States and establish general principles founded in universal justice, in order to facilitate their somewhat novel and difficult tasks. The decisions of these Prætors, and the principles which they set forth in their edicts, gradually grew into a coherent system, representing a far more pure and elevated code of morality than did the severe, technical, and semi-barbarous laws

administered by the Prætor Urbanus. This system of law was called *jus omnium gentium*, or by abbreviation, *jus gentium*, in contradistinction from the laws of Rome proper, called, from their being the peculiar code of the Roman citizen (or *civis*), the *jus civile*.

The *jus gentium* was ultimately administered by all the executive and judicial officers of the Republic and Empire throughout the Roman world, in all cases to which it was applicable; and it ultimately became so incorporated with the *jus civile* that the distinction between the two systems came to denote a difference in their respective sources, rather than in their dignity, authority or the classes of persons to which they were applicable. The union of the *jus gentium* with the body of the old *jus civile*, effected the absorption into the Roman law of the common moral doctrines held by the most enlightened thinkers in all the provinces of the Empire. It was this infusion of Catholic morality, due mainly to the schools of Greek philosophy, which liberalized the Roman law, gave breadth to its doctrines and made it a code for the civilized world.

After the introduction of this universal element into the Roman law it came, by the influence of Greek speculation, to be called *jus naturale*, on the ground that it was common to all and revealed to man by natural reason and conscience. By the definition of the Institutes it is made to include the instincts and appetites of animals. But this extended application of the term "*naturalis*" is thought to have been a speculative notion of Ulpian, derived from the Stoics, and it seems to have had no practical influence on the development and application of legal principles.

From the time of Cicero to that of Constantine, the Roman law was constantly and powerfully influenced by the Stoic and Academic philosophy, and they were the main moral sources of those doctrines of universal justice which were silently and quietly passing into the body of the civil law, through their incorporation into judicial decisions, imperial rescripts and constitutions, where they were made "compulsory by public authority." It has always seemed to me that scanty justice has been done to the Greek elements in Roman law. Take away from the writings of the classical jurists all which they owed to Greek speculation and culture, and a comparatively worthless residuum would remain—a body of despotic, narrow, technical rules, encumbered by superstitious

observances, deserving of anything but the admiration which is justly given to the *corpus juris civilis.*

After the introduction of Christianity and its adoption as the state religion, its morality and doctrines took the place previously occupied by the speculations of the Porch and the Academy. Claims, not altogether unfounded, have been made that Christianity elevated the moral thought of the heathen philosophers through the whole period from Augustus to Constantine, and that its principles passed, by a sort of capillary attraction, from the humble Christian communities through the whole range of the age's thinking. Upon this point, however, the evidence is inadequate. It is enough to say that, after the time of Constantine, the evidence is superfluous in its abundance, showing the influence of Christian morality upon Roman Law. The brilliant little monograph of Troplong traces the existence and character of this influence in detail, with abundant citations in proof of his positions.

Legaré, a most competent authority, makes the following statement: [Origin and Influence of Roman Legislation.]

"From his [Constantine's] accession, Christianity became the *jus gentium* of Europe or the basis of its *jus gentium*, according to the definitions of the civilians themselves."

This influence is seen with special clearness in the Theodosian code, which is founded upon the constitutions of the Christian emperors. The influence of Christianity is seen also in the legalization of Sunday observance; in the prohibition of the brutal sports of the Amphitheatres—of the selling of children—of infanticide; in the mitigation of the *Patria Potestas* which made children the slaves of the father for his life; in the emancipation of woman; in the gradual softening of the state of slavery by the introduction of the *colonat;* in the provision for the poor; in the freeing of legal practice from the cumbrous and useless formalities of the lawyer priests of the old religion. Legaré thus speaks of the reforms of Justinian. [Origin and Infl. of Rom. Leg., page 515.] "His reforms are a perpetual sacrifice of law to equity; of science to policy or feeling; of *jus civile* to *jus gentium;* of the privileges of the citizens to the rights of man; of the pride and prejudices of Rome to the genius of humanity, consecrated by the religion of Christ. There are those who seem to imagine that the civil law has existed, as a science, only since Justinian published it in the form of a code. The very reverse is the fact. The civil law lost

so many of its peculiarities by his unsparing reforms that it may be said more properly to have ceased to exist at that time; to have been completely transmuted into the law of nature and the universal equity of cultivated nations to which it had been, for a long time, gradually approximating. It is this extraordinary change that is brought before us in a sudden and striking contrast by collating the text of Gaius with that of Justinian—the institutes of the Roman law, strictly so called, and the institutes of that law purged of almost all that was Roman, which has since become, in the hands of Domat and Pothier, of Voet and Vinnius, the 'written reason' of Christendom."

Since the publication of the great work of Savigny on the "History of the Roman Law during the Middle Ages," no intelligent scholar has accepted the notion once so prevalent, that the Roman law ceased to be a living force from the fall of the Empire until the discovery of the celebrated manuscript of the Pandects at Amalfi. Receiving a Christian stamp from Theodosius and Justinian, it was the code of the Greek Empire till the downfall of Constantinople, and was the written law, to a greater or less extent, of that vast range of municipalities which, with various fortunes and mutations, survived the barbarian invasions, and retained their vitality and organization until the complete formation of the state system of Europe transferred their powers and franchises to the Monarch, the Diet, the States General and the Parliament. During all this period the clergy formed a constituent part of the municipal magistracy. The morality, which the law, as administered in the Mediæval municipalities, continually absorbed into itself, was that of the time. It was Christian in its general features, though often grievously corrupted.

The simple traditional codes of the German tribes were formed under the moral guidance of a rude heathenism. But they were not reduced to writing until the introduction of Christianity. A careful examination of these codes reveals a singular admixture of laws with exhortations to moral and religious duties, which do not seem to be legislation, properly so called, but homilies. The laws proper have relations to the duties of the clergy, monks and nuns; to religious observances and doctrines; to diplomacy and administration. In the homiletic portions above referred to, quotations are made from Scripture, and, throughout the codes, the influence of Christian ideas is manifest to the most superficial observer.

But while ecclesiastical enactments prescribing religious observances and doctrines are strangely intermingled with civil and criminal law, there is no trace of the recognition of the Jewish or Christian Scriptures as forming, in any *real* sense, a constituent part of any one of the barbarian codes, apart from those passages which are quoted or imitated in the laws themselves and which are made binding by physical penalties. Even where the Jewish law affecting specific crimes is quoted, it would seem to be done for no defined legal purpose. In the same documents, and for the same crimes, laws are given which prescribe processes and penalties entirely different from the Jewish. This, as well as other considerations, which will occur to every one in any degree familiar with barbarian law, leads to the general conclusion that while, for the barbarian codes, Christianity and Judaism were alike prolific *sources* of legal ideas and principles, neither system was recognized to be law, *proprio vigore*, in the sense of Sir Matthew Hale's dictum, nor in the sense in which the Pentateuch among the Jews, or the Koran among the Mohammedans, were authoritative codes of public and private law. This will be found to be the case even in the Visigothic laws, in which clerical influence was the most predominant.

After the development of the canon law into a system, and the claims of the clerical order to be governed by its provisions were admitted, a new element was introduced into the legal system of Europe. Generally speaking, it may be said that three systems of law were administered in most countries of Continental Europe at the same time and in the same locality. The Romanized population in the cities were governed by those fragments of the Roman law which survived all changes and modifications of the civil order due to the barbarian conquests. The barbarians themselves recognized the authority of their traditional codes, which, though modified by the influence of the priesthood who had reduced them to writing, still retained the rude character which rendered them unfit for any society which had attained civilization. The clergy were responsible to the canon law and its Episcopal administrators. This code may be described as the ecclesiastical echo of the Roman civil law. It was marked by the same despotic tendencies; its mode of trial was inquisitorial; it assumed that the power of legislation, administration and execution resided in the Pope and his representatives. "What pleases the Prince has the force of law," was a principle common to both codes; it furnished the magazine of forces through

which the clerical order constantly sought to appropriate the entire control of Mediæval society. The clergy, as the only scholars in an age of ignorance, united in themselves the knowledge and influence of the clerical and legal professions. They were the natural expounders of the canons, and were the only masters of the sources of information on questions arising under the Roman civil code. They were the confessors and conscience-keepers of the barbarian kings. They wielded an overpowering influence in all national and local councils, and were generally present as assessors in all courts for the administration of justice. William of Malmesbury's pithy statement, "*Nullus clericus nisi causidicus*," was almost universally true. In such a state of things, the introduction of Christian notions and ideas into all civil administration would have been rapid, had it not been hindered by the rude and semi-barbarous customs of the tribes who were the supreme rulers of Europe.

The main source from which morality was absorbed into the law was the canons. It is just to say that the civilizing force of the Roman jurisprudence came into modern Europe, to a great extent, through the clergy and the canon law. It should be borne in mind, however, that the canon law, as a code, was never adopted as a whole, by any European nation, not even by the States of the Church. In all concordats, the negotiations have turned upon the extent to which the canon law should be adopted in civil administration. One fundamental object of the Papal See in its diplomacy has been to secure the introduction of a greater and greater amount of the provisions, doctrines and principles of the canon law into the civil codes, so that they might be enforced by physical pains and penalties through the civil arm.

In no country was the secular and ecclesiastical administration more completely confounded than in England. Christianized by missionaries direct from Rome, it was under control of the Papacy when, in other European countries, clergy and laity were resisting the encroachments of the Roman See. As a result of the control held by the clergy over the civil authorities, both in legislation and the administration of justice, they were not anxious for separate jurisdiction. Clerical influence in England is specially shown by the introduction of wills, and of written titles to landed property, and the use of the oath in the Anglo-Saxon system of practice. By reason of their extreme docility in the hands of the clergy, the Saxon kingdoms avoided the evil of a separate legal system for the church and the state.

At the Norman conquest, the influence of Lanfranc brought about a partial exemption of the clerical order from the jurisdiction of the civil courts, and secured a distinct foothold for the canon law of Rome which had just assumed the proportion and dignity of a code, and put forth its claims to be the world's rule of life. But notwithstanding the concessions made to Lanfranc, to whom William was indebted for the Papal endorsement of his raid upon England, William sternly maintained the supremacy of the civil authority. The blunt refusal of the conqueror to do homage as a vassal to Hildebrand—the long contest between Anselm and William Rufus and Henry I. regarding the feudal relations of the Archbishop to the sovereign and the control of the landed property of the See of Canterbury—the Constitutions of Clarendon—the statute *De viris Religiosis*, ordinarily known as the statute of Mortmain—the fictitious actions for "recoveries" contrived by the clergy to evade the action of this last named statute—all show the continuous vigor with which Norman sovereigns and Norman barons carried on the contest for the supremacy of the civil over the canon law. The curious old chronicle of Jocelin of Brakelonde, illustrates the power of this opposition in the courts of law. The old monk bitterly complains that the knights of the assize refuse to admit their written titles to lands drawn with all the technicalities and exactness of the clerical lawyers of the time, as against the claims of the heirs at law of a deceased person who had conveyed lands to the monastery. The knights declared the land to belong to the heirs at law, and gruffly answered the monks that they cared nothing for their secret conveyances and charters. The land in question had belonged to the deceased and his ancestors, time out of mind, and it now belonged to the dead man's heirs in spite of all documents to the contrary. The angry refusal of the barons at Merton to change or replace a doctrine of the common law by one drawn from the canons, was in fact not so much a judgment against the change proposed in the law, as it was the development of a predjudice against the source from whence it was drawn. It was merely one out of many indications of the rigid determination of king and people to defend the customary and statute law of England against the encroachments of the clerical power and the clerical code, and thereby to preserve, in a measure, their independence of the Papal See. Though the clergy were permitted to be tried by the canon law, an appeal to the king's courts was always possible,

and the commands of the Pope could not be publicly promulgated without permission given by the civil government.

In the light of this constant jealousy of the encroachments of the clerical order, we are to examine the purport of the celebrated doctrine of Sir Matthew Hale, "that Christianity is parcel of the common law." It may be proper, at the outset, to say that no custom, usage, or principle case, can legitimately be made a part of a judicial decision, until it be proved to be ancient, commonly received, and not inconsistent with the natural plain rules of justice. Sir Matthew Hale says: "When I call those parts of our laws *leges non scriptæ*, I do not mean as if all those laws were only oral, or communicated from the former ages to the latter merely by word. For all these laws have their several monuments in writing, whereby they are transmitted from one age to another, and without which they would soon lose all kind of certainty. They are for the most part extant in records or pleas, proceedings and judgments, in books of reports and judicial decisions, in tractates of learned men's arguments and opinions preserved from ancient times and still extant in writing."

Therefore we accept a judicial opinion, or the statement of a learned lawyer, as an authoritative declaration of what already is, whether in the range of former decisions, or established custom, or universal opinion. We are now prepared to subject this dictum of Hale, as a principle of common law, to the tests which he himself has laid down.

(1) Was the body of the Christian Scriptures ever, in any intelligible sense, a part of the law of England? If so, it must have been a criminal offence to violate their injunctions or deny their doctrines, apart from any established laws of the realm expressed in judicial decisions or acts of parliament. In point of fact, however, a vastly greater number of men have been punished by the laws of England, because of their acceptance and practice of scriptural teaching than for denying or failing to practice it. Up to a late period, it was held that a church establishment was just as much a part of a government as a court of justice. The laws by which such establishments were protected were civil laws which defined the offences which they forbade with great exactness, and affixed such penalties thereto as the makers of them saw fit. But, from the time of the earliest Saxon conquest to the present day, there is no trace of legislation or custom which adopted the Chris-

tian or Jewish scriptures, or even the body of the canon law, as in themselves binding, and, as such, to be enforced by physical pains and penalties. Doctrines and moral notions, founded in the Christian scriptures or tradition, or in the canon law, have been made the basis or source of civil enactments; but neither of these have, in and of themselves, been recognized as law, by England or any other Christian state. We deny, positively, that there is any custom or usage upon which such universal declarative decision could be founded. Indeed, such a supposition is manifestly absurd.

(2) Let us examine the legal history of the dictum as it appears in law books and decisions. The oldest common law authority to which reference is made in laying down the maxim, is a report in the Year Books, of the 36 Henry VI., pages 38-40, of an argument of a case in which Humfrey Bohun brought a writ of "*quare impedit*" against John Broughton, Bishop of Lincoln, to recover the plaintiff's right of presentation to a church living. The question arose as to the bearing of the ecclesiastical law of the realm upon the civil rights, respectively, of Bohun and the bishop. Prisot, who appears as judge, says in substance, that the rights of the parties are to be ascertained by a reference to the ecclesiastical and civil laws, respectively, as to their bearing on the case. His words are as follows: "A tel leis que ils de Seint Eglise ont en ancien scripture, covient a nous a donner credence; car ceo [est] comune ley sur quel touts manners leis sont fond." . . . "Nous sumus obliges de conustre lour ley de St. Eglise, et semblament ils sont obliges de conustre nostre ley."

[*Translation.* Such laws as they of the Holy Church have in ancient writings it is fit that we should recognize as authority, for this is common law, upon which all kinds of laws are founded. * * * We are obliged to recognize their Holy Church law, and equally they are under obligation to recognize our law: *i. e.* the civil law.]

Now, in this case, it seems plain that the magistrate was referring to ecclesiastical usage, in order to determine what should be the decision of a law court in a litigation in which the rights of parties, lay and clerical, were involved. What he refers to as that upon which all laws are founded, is common and universal custom, represented in this case by the civil and ecclesiastical usages, and laws bearing on the property involved in the right of presentation to a church living, which, as the plaintiff alleged, had been unlaw-

fully usurped by the bishop and given by him to a clergyman. The "ancien scripture," to which Prisot refers, is plainly the ecclesiastical law of the realm, which defined the extent of a bishop's right to present a clergyman to a living when the lay patron had failed to exercise *his* right. The words "ancien scripture" cannot refer to the Old or New Testament, for the simple reason that advowsons and property in church livings were not known to Moses and the prophets, nor to Christ and his apostles. Simon Magus affords the only precedent in Scripture for a transaction of this sort.

According to the Appendix to Jefferson's Reports, the next statement which involves anything like the dictum in question, occurs in a passage from a book known as "Finch's Law," published in 1613, which reads as follows: "To such laws of the church as have warrant in holy scripture our law giveth credence." For authority Finch refers to Prisot, in the case already cited. He converts "ancien scripture," or canon law, into "Holy Scripture," and puts the duty upon common law courts of deciding how far English ecclesiastical law is in accordance with Holy Scriptures, which is a total misapprehension of the sense of the Year Book.

We may remark, in passing, that Jefferson confounds the author of Finch's Law, the book which he quotes, with Heneage Finch, Lord Nottingham, who was made Chancellor in the reign of Charles the Second. The author of Finch's Law was Sir Henry Finch, a sergeant at law and reader in Grey's Inn. He was the father of the somewhat notorious John Finch, speaker of the Long Parliament, and Lord Keeper under Charles I. Finch's Law was a text book in high repute, until the publication of Blackstone's Commentaries.

In 1758, Justice Wingate, quoted the words of Finch, and decided them to be common law, citing Prisot also as authority. In 1765, Sheppard states the principle in the words of Finch, and cites Finch and Wingate as authority. The next decision, in order of time, is that of Sir Matthew Hale, who affirms that "Christianity is parcel of the laws of England." Blackstone, in his Commentaries, repeats the maxim in the words of Hale, excepting that he substitutes the word "part" for "parcel." In 1780, the corporation of London passed a by-law inflicting a heavy fine on a freeman who, being elected to the office of sheriff, refused to serve. They then elected a dissenter who could not serve unless he partook

of the eucharist according to the rites of the Church of England. This he refused, and the sheriff elect was sued for the fine which this refusal involved, and was condemned to pay it by the lower courts. The case came by appeal before the House of Lords. The decision of the lower courts was reversed and Lord Mansfield pronounced the opinion of the Law Lords. In it he says: "The essential principles of natural religion are a part of the common law; the essential principles of revealed religion are a part of the common law—so that any person reviling or subverting or ridiculing them may be prosecuted at common law." He further adds, that, "there never was a single instance, from the Saxon times down to our own, in which a man was punished for erroneous opinions concerning rites or modes of worship, but upon some positive law." * * * "For atheism, blasphemy and reviling the Christian religion, there have been instances of persons prosecuted and punished upon the common law." Lord Campbell, in a note upon the passage quoted, says: "This I think is the true sense of the often repeated maxim, that Christianity is part and parcel of common law." [Lives of the Chief Justices, vol. 2d. page 390.]

It is clear from this that both of these judges deny that the common law gives the magistrate any power to punish a man for denying the doctrines or refusing to follow the precepts of Christianity as such. If this were not the case it would compel a court to ascertain what the "essential principles" of Christianity really are; and to decide upon such a question, would involve the framing and establishing of some system of doctrine and practice to be recognized as constituting the "essential principles of Christianity." Lord Mansfield's decision is, then, that the maxim signifies only that blasphemy and reviling Christianity were offences indictable at common law. The question now arises whether blasphemy was punished as an offence against the peace and good order of society, or as an offence against Christianity. It seems to me that blasphemy is in reality punished as an outrage against public decency, tending to produce civil disorder and breaches of the public peace. The moment the magistrate undertakes to punish sins against God which are not recognized by the law as crimes against civil society, he passes into the domain of conscience and becomes a persecutor.

American decisions, bearing on the maxim under discussion, seem to follow mainly the track of Lord Mansfield. We will give a few of these that seem to be representative in their character.

The Supreme Court of Pennsylvania, in the case of Updegraff vs. The Commonwealth, 11th Serg. & Rawle, p. 374, says: "So that we are compelled to admit that, although Christianity be part of the common law of the State, yet it is in this qualified sense: that its divine origin and truth are admitted, and therefore it is not to be maliciously and openly reviled, and blasphemed against, to the annoyance of believers, or the injury of the public."

In the case of Andrew vs. The New York Bible and Prayer Book Society, 4th Sandford's Reports, pp. 180—184, the Court speaks as follows: "The maxim that Christianity is part and parcel of the common law has been frequently repeated by judges and text-writers, but few have chosen to examine its truths, or attempted to explain its meaning."

Referring to the passages already quoted from Lord Mansfield and Lord Campbell, the Court goes on to say: "Its true and only sense is, that the law will not permit the essential truths of revealed religion to be ridiculed and reviled. In other words that blasphemy is an indictable offence at common law. The truth of the maxim, in this very partial and limited sense, may be admitted. But if we attempt to extend its application we shall find ourselves obliged to confess that it is unmeaning or untrue. If Christianity is a municipal law in the proper sense of the term, as it must be if a part of the common law, every person is liable to be punished by the civil power, who refuses to embrace its doctrines and follow its precepts. And if it must be conceded that in this sense the maxim is untrue, it ceases to be intelligible, since a law without a sanction, is an absurdity in logic and a nullity in fact."

Judge Cooley, one of the Justices of the Supreme Court of Michigan, in his treatise on Constitutional Limitations, p. 467, says: "It is frequently said that Christianity is part of the law of the land. In a certain sense, and for certain purposes, this is true. But the law does not attempt to enforce the precepts of Christianity, on the ground of their sacred character or divine origin. Some of these precepts are universally recognized as being incapable of enforcement by human laws, notwithstanding they are of continual and universal obligation. Christianity therefore is not a part of the law of the land, in the sense that would entitle the courts to take notice of and base their judgments upon it, except so far as they should find its precepts had been incorporated in, and thus become a component part of the law."

Judge Clayton, of Delaware, says: [The common law] "adapted itself to the religion of the country just so far as was necessary for the peace and safety of civil institutions; but it took cognizance of offences against God, only where, by their inevitable effects, they became offences against man and his temporal security. It is a current phrase among the special pleaders, that the 'almanac is a part of the law of the land.' By this is meant that the courts will judicially notice the days of the week, month, and other things properly belonging to an almanac, without pleading or proving them. In the same sense it is sometimes said that the *lex parliamentaria* is a part of the law of the land. So, too, we apprehend, every court in a civilized country is bound to notice in the same way * * what is the prevailing religion of the people. * * * * * * It will be seen, that in our judgment, by the constitution and laws of Delaware, the Christian religion is part of those laws, so far that blasphemy against it is punishable, while the people prefer it as their religion and no longer."— [2d Harrington's reports, p. 553.]

Chief Justice Kent, in the case of Ruggles vs. The People, after citing various English authorities, to the effect that blasphemy was punishable at common law, says that "reviling is still an offence because it tends to corrupt the morals of the people and destroy good order. Such offences have always been considered independent of any religious establishment or the rights of the church. They are treated as affecting the essential interests of civil society." —[8th Johnson, p. 293.]

Justice Story, in the case of Vidal vs. Girard's executors, 2d Howard, p. 128, says: "We are compelled to admit that, although Christianity be a part of the common law of the state, yet it is so in this qualified sense, that its divine origin and truth are admitted, and therefore it is not to be maliciously reviled and blasphemed against, to the annoyance of believers and the injury of the people."

Chief Justice Kent, in a debate in the constitutional convention of 1821, remarked: "That to maliciously revile it [Christianity] is a public grievance, and as much so as any other public outrage upon common decency and decorum." Report of New York State Convention of 1821.

Judge Allen, in the case of Lindenmuller vs. the People, discussing the desecration of Sunday and the statute forbidding it, says: "The act complained of here, compels no religious observance, and

offences against it are punishable, not as sins against God, but as injurious to, and having a malignant influence on society. It rests upon the same foundation as a multitude of other laws upon our statute books, such as those against gambling, lotteries, keeping disorderly houses, polygamy, &c."

We have given these quotations as setting forth the present state of opinion among judicial authorities on the maxim under discussion.

In view of the facts, reasonings and authorities which we have thus far given, we are justified in setting forth certain general conclusions:

(1) When the total code of a country has a religious origin and sanction, as was originally the case among the Romans, the Jews, and the Mohammedans, it is due to the fact that the people have accepted the religious system which they hold, as a body of civil law also. Thenceforth, the religious system is enforced upon their belief and practice by physical pains and penalties, and it becomes, in addition to its religious use and character, to all intents and purposes, a body of civil law, differing from ordinary civil codes in its purely religious origin and in its confusion of the functions of the religious organization and the state — of things divine and human, of the *jus sacrum* and the *jus civile*.

(2) In all such cases, a tendency is manifested by the civil and human elements involved in the system to come out in the administration, to segregate themselves from the religious portion, and to grow into a system distinctively political and civil. This is illustrated by the absorption of the Roman *jus civile*, essentially religious and priestly in its character, into the *jus gentium*, whose basis was the average moral code of the Roman Empire, elevated and purified by the reasoned ethical systems of the Greek philosophers and, subsequently, by the maxims and spirit of Christianity. The bulky volumes of the Talmud and the numerous decisions and commentaries explaining the Koran, each of which contains a body of legal notions differing essentially from the original texts of Moses and Mohammed, are also illustrations of the principle here stated.

(3) When a code has a purely civil origin it must, of necessity, embody, with more or less completeness and accuracy, the average moral opinions of the nation which adopts it or submits to it. In its development and differentiation, such a code will tend constantly to represent the processes of elevation and degradation in the practical morality of the people governed. Laws being the outgrowth of the prevalent morality, changes in them not only reveal the

changes in moral belief and practice, but they diffuse and accelerate these changes as well. Civil law and morality in any nation act and react upon each other reciprocally.

(4) Where a civil code and a religious system, distinct in origin, exist side by side, the religious system becomes legally established only through statutes, affixing civil sanctions and penalties to the neglect or denial of certain definite and specified portions of the creed and rites of the system established. The portion of such religious system thus adopted, then becomes a part of the civil code and differs from other laws only in its subject-matter and origin. This statement is illustrated by the fact, that, in England, all ecclesiastical causes arising in the establishment are ultimately tried before lay courts, and that all clerical discipline involving ejectment from a cure of souls is, in fact, if not in name, a matter of civil administration. The Articles of Religion, the Liturgy and Rubrics, so far as the English establishment is concerned, are simply acts of Parliament upon which a Jew, a Romanist, or an Atheist, may acquire a right to vote.

The subject of negotiation, in all concordats between the Papal See and the states in which the Roman Catholic religion is established, has been in the main the extent to which the canon law shall be adopted by the state and enforced by physical pains and penalties. So much of the canon law as had been at any time adapted and enforced became, by that act, a part of the nation's civil code, differing from it only in its character and source

(5) In no country in Christendom has the body of the Christian Scriptures been adopted as law to be enforced by physical penalties. Certain rites and dogmas founded on tradition, or upon the Scriptures, or both, have been made a part of the civil law in all Christian countries where a church has been established at all. It is in this absorption of ecclesiastical rules and principles into the body of constitutional and municipal law that an establishment consists.

(6) We see that the first introduction of the maxim under discussion was due to a misunderstanding of the Year Books, and has never been practically sanctioned, in its natural and literal sense, by any English or American court. The common law has never furnished the ground for persecution, but it has always been inflicted by positive statutory enactment. The common law has taken account of Christianity as a positive system, for the purpose of punishing blasphemy and malicious ridicule of Christian doc-

trines and rites. The common law has recognized these as crimes against the state, and not as sins against God.

(7) The principle upon which blasphemy is punished would oblige a common law court to protect the worship, and regard the sentiments, of Mohammedans or Hindoos, if their forms of religion were to be widely prevalent in a community over which it had jurisdiction. This protection, of course, could be given only to the extent that their rites and worship did not infringe upon the laws of natural morality and justice.

(8) Every code of morality is intimately connected with the system of religion from which it springs, and in which it finds a sanction. As every civil code, in its formation and growth, adopts the moral code of the people for which it furnishes rules of government, so the common law of England and the United States has absorbed, and is still absorbing unto itself, the moral principles of Christianity. Hence the Christian system is the moral source of an undetermined but very large part of our common, as well as of our statute, law. In this sense, Christianity has contributed enormously to the common law, and also to the code of Justinian, and the legal systems of all Christendom.

(9) That portion of the common law which makes blasphemy, Sunday desecration and the disturbance of religious assemblies, indictable offences, seems naturally to fall into the class with those laws which provide, for the community, protection against nuisances, whether physical or moral in their nature.

(10) Unless taken with the limitations here suggested, the maxim under discussion is comparatively meaningless. In the form in which it is commonly stated, it is calculated to confuse the mind and mislead the judgment of those unable to supply in thought the requisite lmitations. Taken in its literal meaning, it makes no distinction between civil law and the sources from which it may have been derived. It takes no account of the distinction between civil laws made compulsory by physical penalties, and the obligations of morality and religion whose penalities are subjective to the individual offender. Literally understood, the maxim contains a dangerous principle liable to be used in justification of judicial decisions which may infringe upon real liberty of conscience.

THE PLACE OF THE PRACTICAL MAN IN AMERICAN PUBLIC AFFAIRS.

READ BY HAMILTON ANDREWS HILL, OF BOSTON.

(September 10, 1879.)

THE Hon. Joseph Howe, of Halifax, began a speech before the Detroit Commercial Convention of 1865—one of the ablest and most effective addresses to which it has ever been our good fortune to listen—in the following words:—

"I never prayed for the gift of eloquence till now. Although I have passed through a long public life, I never was called upon to discuss a question so important in the presence of a body of representative men so large. I see before me merchants who think in millions, and whose daily transactions would sweep the harvest of a Greek island or a Russian principality. I see before me the men who whiten the ocean and the great lakes with the sails of commerce, who own the railroads, canals and telegraphs which speed life and civilization through this great country, making the waste places fertile and the wilderness to blossom as the rose. I see before me men whose capital and financial skill form the bulwark, and sustain the government in every crisis of public affairs. . . . . I may well feel awed in the presence of an audience such as this; but the great question which brings us together is worthy of the audience, and challenges their grave consideration."

We see here the impression made upon a distinguished Canadian statesman by an assemblage of representative merchants, bankers and manufacturers, gathered from various parts of the United States and British North America to deliberate together upon the commercial interests and relations of the two countries,—an impression, it should seem, such as ought to be made upon any intelligent and thoughtful person under similar circumstances and in the presence of a like audience. Lord Houghton, in his "Monographs," tells us that Sydney Smith thought no man could be better employed than in making honest money, and that he used to say that he felt warmed by the very contact of such men as the great bankers and merchants of his time. The opinions of these men upon the questions of the day, whether expressed in personal intercourse or in a more public and representative capacity, he estimated at their true value; and the great importance of their

position and influence in the body politic he was too sagacious an observer not to recognize and appreciate.

Every one, of course, is ready to admit that the material welfare and development of a nation depend largely upon the ability, integrity and sustained prosperity of its commercial classes. Every one would be ready to say with Mr. Everett, in the eloquent language of his tribute to commerce at the dinner given to Mr. George Peabody, in Danvers, in 1856: "I deem it not too much to say of commerce in its largest comprehension, that it has done as much in all time, and is now doing as much, to promote the general cause of civilization, as any of the other great pursuits of life." Among ourselves, in the United States, the individual merchant has never failed to receive due social consideration; and the utterances of the local and national boards of trade have had a considerable degree of weight in their appropriate sphere. Yet, is it not true that the business men of this country are not exerting that direct personal and potential influence upon the management of its affairs, upon its legislation and upon the administration of its government, to which not only their special knowledge, training and experience would fairly entitle them, but of which the country in its peculiar conditions and necessities stands in particular and pressing need? It may be that for this state of things, if it exists, they are as much to blame as anybody else; that during recent years, at least, they have not asserted themselves as they might and should have done; that they have allowed themselves to become altogether absorbed in the nurture of private enterprises and in the accumulation of private gains; and that they have been culpably negligent of their duties as citizens in the primary meeting, during the canvass and at the polls. All this may weaken the force of any claims which may be made by them or in their behalf, upon the favor of the electors or of the appointing power; but it does not at all diminish the pressure of the necessity under which the nation rests for their personal devotion and active service. The country, we believe, stands greatly in need to-day of its business men, its practical men, in Congress, in the cabinet, and in the diplomatic service; and the object of the present paper is to invite attention to this fact, not in the interest of any man or set of men, but for the common good.

We have it on the authority of Mr. Lorenzo Sabine, that just one quarter part of the signers of the Declaration of Independence

were bred to commerce or to the command of ships; and we know that the influence of these men in directing the counsels and in shaping the policy of the nation was much more than proportionate to their numerical strength. But both the numbers and the influence of this class of citizens in public affairs have been steadily declining during the last sixty or seventy years. De Tocqueville, more than a generation ago, commented upon the tendency already manifesting itself, to fill all the important positions in the government with members of a particular profession. He said:—

"The lawyers of the United States form a party which is but little feared and scarcely perceived; which has no badge peculiar to itself; which adapts itself with great flexibility to the exigencies of the time, and accommodates itself to all the movements of the social body; but this party extends over the whole community, and it penetrates into all classes of society; it acts upon the country imperceptibly, but it finally fashions it to suit its purposes."

At the present time, the President of the United States, the Vice-President, every member of the cabinet, with one exception, and nearly all the high officials in the government, are lawyers. In Congress, five-sevenths of the senators and three-fourths of the representatives are members of the same profession; while one might count the business men on the fingers of one's two hands. We have nothing to urge against the presence of lawyers, as such, in the departments or at the capitol (as we took pains to explain in a paper which we had the honor to submit to the American Social Science Association on a related subject to that which we are now treating, at the Philadelphia meeting, in 1870), if only they be among the ablest and most honorable and most patriotic of the profession, and if there be a due proportion of representative business men associated with them. But we insist that it is altogether inexpedient and unwise that any one class should thus dominate in the administration of our public affairs and in legislation; and that it becomes absolutely dangerous when, as is the case, so many of one particular class are selected for or elected to office, not because they are eminent in their profession, but simply because they are zealous partisans or skilful political manipulators. If all or most of the places of responsibility and honor to which we are referring, were now filled by trained statesmen, who evinced thorough knowledge of the varied interests of the country, and

thoroughly unselfish devotion to its best and broadest prosperity, we should be disposed to let well enough alone, and should not care to inquire too closely to what profession or class the large majority of them might belong. But how many statesmen, men worthy of that often misapplied designation, are directing our national affairs in Congress and elsewhere at this time? It would be invidious to give a direct answer to this question; but we are reminded of what was once said of Mr. Disraeli, as he then was, that he was not a statesman but the prospectus of a statesman. Perhaps not a few prospectuses of statesmen, liberal in promise, limited in performance, could be found at Washington, at least during the session. Be this as it may, we firmly believe that some seats and positions there might be vacated in favor of intelligent and pure minded men from the walks of business or of practical life, with immense advantage to the country.

We have no class among us, such as is to be found in other and older countries, carefully trained to, and experienced in, public affairs, and it is not certain that such a class could find its appropriate place under our institutions. It is the more important, therefore, that we should balance our representation as evenly as possible, and that we should make available for it the highest character and the best ability wherever it is to be found, among lawyers and scholars, merchants and manufacturers, mechanics and agriculturists. And it is worthy of notice that in some countries, at least, where statesmanship is treated as a profession, a large prominence is given in public affairs to men who cannot be reckoned within its limits — men of experience and training and recognized position in practical life. This is particularly true in Great Britain, where, notwithstanding its aristocracy and its hereditary legislators, the mercantile class, for many years past has exercised a most marked influence upon the national policy, and its best representatives have had due appreciation and honor. It was Burke, we believe, who said: "I have known merchants with the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and character of pedlers." A Quarterly Reviewer, writing in January, 1873, about a book which had just issued from the press, said:—

"A time when both the prime minister and the leader of the opposition are the near descendants of men connected with business, when the Governor-General of India belongs to the family of

one of our most typical mercantile houses,* when the latest ex-Lord Chancellor (still happily among us) is the son of a late Lord Mayor of London, certainly must be considered from one point of view a very fit occasion for the publication of a history of British commerce."

If we look back upon the course of legislation in England during the last half century, we see that those who have taken the lead in forming public opinion outside of Parliament and in carrying great and beneficent measures within its walls, have not been members of the hereditary governing classes so much as men from practical life, like the Rothschilds, the Barings, the Browns, the Peels, Huskisson, Ricardo, Cobden, Sturge, Bright, Potter, Bazley, Goschen, and many others whose names are scarcely less known and honored. That illustrious statesman, Sir Robert Peel, whom his sovereign has described with her own pen as "a man of unbounded loyalty, courage, patriotism and high-mindedness," declined the Garter because, as he said, "he sprang from the people and was essentially of the people." Both he and his no less distinguished successor, Mr. Gladstone, were born and reared in the atmosphere of practical life, learning lessons of finance directly from the counting-house, although they did not have a distinctively commercial training, and without this kind of teaching they might never have achieved the success in practical legislation for which they will be honored and loved for generations.

Of the members of the House of Commons, only one-tenth are lawyers. Among the others there are not only merchants and bankers in large numbers, but many men of inherited fortune not directly connected with trade, who have acres to cultivate, and mines and quarries to work, and other interests of a like nature to care for, upon which their income chiefly depends; and the same is true of members of the House of Lords. All these men bring a more or less thorough personal acquaintance with the details of business to their work. The Marquis of Salisbury, for example, is one of the ablest railway experts in the kingdom.

In Canada only one-fourth of the members of Parliament, and less than one-half of the members of the cabinet, have been called to the bar. Sir Leonard Tilley, the Finance Minister, and several of his colleagues have always been identified with trade or agriculture; and the presence of men such as they in every administra-

*Lord Northbrook, a member of the Baring family.

tion, whether liberal-conservative, or reform, sitting in Parliament also as they do, explains why Canadian legislation has been so practical, and why the national interests of the Dominion have been so carefully and ably fostered and advanced.*

There has been too much misunderstanding of each other hitherto by the men of liberal and professional training and the men of so-called practical life, by the men of thought and the men of action; and this has led to mutual distrust and dislike. A great deal has been written and spoken about Philistinism, both in England and this country, especially in the latter, which is mere snobbishness. After making every allowance for the peculiarities of "villadom," which, the Spectator said, turned the scale at the last general election, it must be admitted that the mercantile classes of England, as a whole, are worthy of all honor for their commercial enterprise, and no less for their political sagacity; while the same classes on this side of the water have a record which calls for no apology, and needs no defence from us.†

Perhaps those who as scholars or thinkers are sometimes disposed to allude slightingly to them, to their attainments and to their opinions, do not know that their feeling of suspicion and dislike is in many instances fully reciprocated. Men who are in the habit of dealing with every question practically, who are personally skilful in affairs, who usually are successful, and with whom the relations between cause and effect are matters of instinct, or experience or calculation, rather than of ascertained law, very often affect to look down upon men of thought and research, and

*It is interesting to see in the Parliamentary Companion of Canada, how many members of the medical profession have become prominent in the politics of the Dominion.

† Almost at the very time of the reading of this paper at Saratoga, the Association of Chambers of Commerce of Great Britain was in session at Belfast, and Mr. H. J. Atkinson, of Hull, made a speech in the course of which he said:—

"Everything in the way of taking what might be called middle-class business men, and putting them into the government, had been a great success. There were Mr. Forster, in the case of the Liberals, and Mr. Cross and Mr. Smith, both of whom might be called middle-class business men, in the case of the Conservatives; and if they took the men up and down the kingdom, who had been most successful in dealing with mercantile questions, they would find that it was in the case of such men as those he had spoken of, and the reason was that they were men of common sense, good, hard-working, business-like representatives of trade and commerce. It had been too long the fashion with some people, rather to look down upon men who were in connection with trade and commerce in this country. He did not know why that could be so, or why commercial men should allow it to be so. If it were not for the commerce of the country, what was there to sustain the greatness of the kingdom?"

appear to think that they can annihilate them and their influence at a breath, by pronouncing them theorists, idealists or ideologists.

Now, the truth is, these two classes of men are equally necessary, and their respective labors, when harmonized together, may be made equally useful to the State. Thinkers and scholars are under the deepest obligation to workers, for the opportunities afforded them by the latter for testing their principles, and for the hard facts and exact figures upon which they are able to generalize and to philosophize. At the same time, the latter are indebted to the former, to an extent not always apprehended by them, for the light thrown upon practical affairs and upon the daily course of business, by patient investigation of, and reflection upon, the principles and laws underlying the surface of things. There should be no suspicion, or misunderstanding, or dislike of each other, therefore, on the part of these two classes; but, rather, there should be mutual respect and confidence and full accord, for the ultimate aims of both are usually the same, and their hearty coöperation is sure to advance the public good. As Tennyson says:—

> All the past of Time reveals
> A bridal dawn of Thunder peals,
> Wherever Thought hath wedded Fact.

Professor Bonamy Price, in his inaugural lecture at Oxford, charges upon the practical man, or the City man, as he calls him, all the crudities and fallacies of the system of political economy which controlled the minds of men and the policies of nations, before the teachings of Adam Smith had begun to exert their due influence. After saying that "practical men swarm with theories, none more so," which may be true, and that the economic doctrines propounded and acted on by them, have been of the most elaborate kind, he adds:—

"The more directly engaged in business was the speaker the more complicated, the more artificial, the more mysterious have been the rules he laid down for the attainment of wealth. Monopolies were proclaimed to be the infallible means for securing good and trustworthy quality in manufacture. Guilds were invented for the right regulation of the relations between master and scholar, between capital and labor. . . . When the discovery of the New World enlarged geography with colonies of a novel kind, the practical man speedily stepped forward with his theory, and taught

the statesman that the secret of the new and boundless wealth engendered by colonies lay in the exclusive appropriation of their trade by the mother country. This teaching was adopted by every civilized country, and became the recognized policy of all Europe. Great wars were waged in the name of the practical man's ideas; his views were supreme over all colonial relations. . . . The practical man's ascendency thus rose higher and higher, till it reached its culminating point in the favored mercantile theory, the final development of commercial thought, the crowning embodiment of the wisdom which practical prudence and experience had inspired."

If all this be true, it certainly goes to show that it is not safe to leave the course of legislation to be guided altogether by business men, whose judgment, very much like that of other men, is liable to be warped by their interest, or supposed interest. Whether it is strictly correct, historically, to hold the practical man or the business man (Professor Price uses the terms interchangeably) accountable for the old colonial system, the navigation laws and the mercantile theory, we will not stop to inquire.* To Cromwell, certainly, is accorded the doubtful honor of originating the navigation laws, which were intended quite as much to annoy and injure the Dutch as to benefit English commerce. But if it all be as charged, it simply proves that in an age of privilege and monopoly, when every man and every class of men took all that could be seized, and appropriated all that could be laid hold of, the merchants of the day were able to take care of themselves and to obtain their full share in the general spoliation. Had they thought and acted differently, would they not have been out of harmony with the time in which they lived, and far in advance of its teaching and spirit? To hold them to strict account for the narrow and exclusive commercial ideas of their day, is as unjust as it is to blame the fathers of New England for failing to comprehend in the seventeenth century those principles of religious liberty which their descendants find it very difficult to maintain consistently in the nineteenth. It may be asked, further, what are we to think of the statesman, who, as Professor Price tells us, allowed himself to be taught by the practical man, and to be so utterly led away by him as to shape his policy altogether according to his teachings,

* The American system, so called, which was based on the old mercantile theory, owed its origin to Mr. Clay, of Kentucky, a lawyer. It was bitterly opposed at the first, by the merchants of New England and of the seaboard generally.

even going to war, when necessary, in their defence and for their propagation? Where were the perfect poise, the sound judgment and the superior intelligence of the high-born and well-trained minister, when the City man was thus able to gain the ascendency over him, and to use him and all the mighty machinery controlled by him for his own end? It seems to us more easy and more natural to believe that these errors of the statesman and of the merchant alike, were the errors of the time in which they both lived, rather than the errors of the class to which either of them belonged, or the results of the special education which either had received.

Of the proposition to repeal the corn laws, Lord George Bentinck said, during the debates, that it was —

"A measure which, be it for good or for evil, a great majority, at least, of the landed aristocracy of England, of Scotland and of Ireland, imagine fraught with deep injury, if not ruin, to them; a measure which, not confined in its operation to this great class, is calculated to grind down countless smaller interests engaged in the domestic trades of the empire, transferring the profits of all these interests, — English, Scotch, Irish and colonial, — great and small alike, from Englishmen, from Scotchmen and from Irishmen, to Americans, to Frenchmen, to Russians, to Poles, to Prussians and to Germans."

The movement for the repeal of the corn laws, as we all know, received its main impulse from the business men of Great Britain, and went forward without any help whatever even from those hereditary statesmen who led the whig or progressive party. In 1839, when delegates representing three millions of people asked to be heard at the bar of the House of Commons, Lord John Russell said that he had not "as yet found sufficient reasons or precedents" to induce him to accede to such a request; and it was not until 1845, seven years after the formation of the anti-corn law league, that this whig leader, in his celebrated Edinburgh letter, declared himself as absolutely in favor of the total abolition of the duties on corn. In 1837, Lord Melbourne said in a debate that "the government would not take a decided part till it was certain the majority of the people were in favor of a change." These words were regarded as a direct invitation and challenge to organized agitation, and they led directly to the formation of the league. This organization, the most energetic and efficient that

ever carried to a successful issue a great political or social movement, received its chief inspiration from the business men of Manchester; while the chambers of commerce of that town and Birmingham threw all their influence and wealth on the same side. But the whig ministry, notwithstanding all the pressure brought to bear upon it, failed to rise to a clear and full apprehension of the crisis through which the country was passing, and lost its grand opportunity to furnish the relief called for. It remained for the great conservative minister, Sir Robert Peel, "conservative by nature, but liberal on principle," convinced by the facts and the arguments urged upon his consideration with so much persistency and power by Mr. Cobden and his associates, to carry through the work of reform, which, as was well said afterwards by Mr. Cobden, "while it cost him office, gained for him a country."* He himself had declared, with rare magnanimity, that to one man was the work of corn law repeal preëminently owing, and that man was Richard Cobden.

The recommendations of the business men of the United States, especially as they have found expression in the carefully considered utterances of their representative body, the National Board of Trade, have for the most part been well received at Washington. The action of the Boston Commercial Convention of 1868 had a marked effect upon Congress in its session of the same year, and helped greatly in forming and fixing the national policy against currency expansion and inflation, and in favor of the payment of the national obligations in coin. The judgment of the Detroit Commercial Convention of 1865, upon our commercial relations with the British North American provinces, as they then existed, was, unhappily, less influential. The persevering labors of Mr. Webster, Mr. Everett and Mr. Marcy among American statesmen, and of Sir Henry Bulwer and Lord Elgin in behalf of Great Britain, had led to the conclusion and ratification of a treaty of reciprocity in 1854, under which trade between the United States and the Provinces was to be greatly facilitated, and by the provisions of which it was hoped by all parties that the vexed question of the fisheries was settled for all time. Of this treaty the North American Review, perhaps the most conservative periodical in the country of the day, said: —

"It is one of the wisest arrangements ever made between com-

*One of Mr. Disraeli's sayings at this time, has been often quoted since: "A conservative government is an organized hypocrisy."

mercial states, alike honorable to both negotiators, beneficial to all parties, and most auspicious of a better and brighter day in the trade and intercourse of nations. . . . We were on the eve of collision, violent resistance, bloodshed and war. From all this the treaty saves us."

The ten years which followed the time when the treaty went into operation embraced the period of the civil war, with its excitements and passions, and with the unexpected and radical changes in our entire fiscal system and in our commercial policy at home and abroad, which it brought in its train. All our relations, social as well as commercial, with the people of the Provinces became deranged; at the same time, some imperfection in the working of the treaty had developed itself, and the British Government had proposed a convention for the "confirmation and expansion" of the treaty. The Boston Board of Trade declared that the best good of the country demanded its "revision," not its "annulment;" and this was the view of all the leading commercial bodies. It was said in the House of Representatives by the Hon. T. D. Eliot, that memorials on the general question had been received from all parts of the country and referred to the Committee on Commerce, of which he was chairman, but that not one of them all demanded the abrogation of the treaty. This extreme measure was opposed by the Committee on Commerce and some of the ablest members in both the House and the Senate; in the former branch it was defeated once by a vote of 82 to 74, and, when finally carried, it was only by a vote of 85 to 57,—40 members not voting. Outside Congress the opposition was even more pronounced. The Detroit Convention was called while the question of abrogation was pending; and, after patient consideration and full discussion by leading business men, representing all parts of the country except the far South, all commercial interests and all shades of political opinion, the conclusion was reached, with substantial unanimity, that the treaty might be improved, and should be amended in some of its provisions, but that it ought not to be abrogated. It was a suggestion made by the honored and esteemed Frederick Fraley, of Philadelphia, which prepared the way for the final unanimity of the action reached. But the politicians of the country proved too strong for the merchants, and their shadowy dreams were allowed to outweigh all solid interests and considerations.* The arrange-

* The politicians tried to prevent the meeting of the Detroit Convention.

ment in which, as the pages of the North American Review testify, "Mason and Toombs, Douglas and Seward, Whigs and Democrats, Freesoilers and Secessionists, acted in cordial harmony," in 1854, was brought to an abrupt termination in 1866, and our large and valuable trade relations with our neighbors beyond the frontier were again thrown into confusion.

It is worth our while to observe for a moment what has been the result of the legislation thus enacted, notwithstanding the protests of the business men and the commercial bodies. Confederation followed almost immediately upon, and directly as the consequence of, the abrogation of the treaty. Had reciprocal trade been maintained, the several provinces could never have been compacted into the Dominion, which is a nation in almost everything but the name. Annexation, supposing that to be a desirable thing for both parties, would seem to have been indefinitely postponed; certainly it is further off now than it appeared to be fifteen years ago. The trade of the Dominion, compelled to seek new channels, has been diverted from our railroads, our ports, our people. A positively protective system of tariff legislation has been adopted, which, whether intended to do so or not, discriminates sharply against American interests. We have had to pay five millions and a half of dollars for the possession for a few years of fishing privileges, the free and permanent enjoyment of which we voluntarily abandoned when we determined at all events and at all hazards to cancel the treaty of 1854; while all the vexatious issues which were the despair of statesmen on both sides of the water, from the treaty of Ghent to the second treaty of Washington, have been reopened, and, what is more serious, all the personal irritation on the part of those more directly and pecuniarily concerned in them has been revived. If the practical men who met in council in Detroit had had seats in Congress in 1864 and 1865, all this might and probably would have been very different.

John DeWitt, in his "Political Maxims of the State of Holland," tells us that it was recognized as a fixed principle in the constitutional government of that country, that the great interests of commerce could only be adequately represented by commercial men. Accord-

Failing in this, they sought to control its action through some of their number who gained admission to its membership, as well as by a steady pressure upon the course of its proceedings from without. All their attempts to influence it, while in session, were unsuccessful; but subsequently, they proved strong enough to overcome the force of its recommendations at Washington.

ing to that eminent authority, merchants were not only eligible to every trust and station, but there was hardly any which many of them were not always and on system called upon to fill. And Sir Josiah Child, a shrewd English merchant of the eighteenth century, in naming the leading causes to which the great prosperity of the Dutch should be ascribed, places first the fact "that in their greatest councils of state and war they have trading merchants who have not only the theoretical knowledge, but the practical experience of trade."

Of all nations, the United States is the one which should act implicitly upon the above maxim, as laid down by DeWitt. Our national interests, so far as they require the attention of the administration and of Congress, are almost wholly of a material and practical nature. We have been told by a member of the late English ministry that at least three-quarters of all the time spent in cabinet meetings in England were given to the consideration of foreign affairs. At Washington, foreign affairs have no such overshadowing prominence, and they are for the most part practical rather than political in their bearings, relating as they do to questions of immigration and naturalization, to the postal service, to the deep-sea fisheries, and to gold and silver coinage. John Randolph sneered at what he called "a counting-house administration," but it seems to us that this is the kind of administration which our country especially needs — an administration intelligent upon and interested and earnest in everything relating to commerce, manufactures, inland transportation, and the currency. Speaking on general principles, and by no means in disparagement personally of any member of the present cabinet, we should say that the Secretary of the Navy and the Postmaster General should always be business men, and that, whenever practicable, the Secretary of the Treasury should be a merchant or banker. We have tried eminent merchants in the diplomatic service with the best success, and we ought to try them again. Lord Palmerston said that the United States were never better represented at the court of St. James than by Mr. Abbott Lawrence, whose latest successor, Mr. John Welsh, has illustrated anew how an American merchant may distinguish himself as an American ambassador. A great merchant, Lord Ashburton, was sent by his government to Washington in an international emergency, not because the questions at issue were commercial in their nature, for they were not, but because they were

at issue between two commercial countries, and, therefore, it was thought that he of all others was best qualified to deal with them. Some of the questions pending to-day between the governments of the United States and Great Britain, while more or less legal and technical in some of their aspects and complications, are to the last degree practical in relation to all the interests involved, and they need to be considered and must finally be determined, not so much according to the ordinary requirements of international law or to diplomatic precedent, as to considerations of prudential and commercial expediency mutually, and of practical sense.

In Congress, also, there should be a large infusion of the commercial element. The principal cities should each of them be represented in part by business men, who could bring to the deliberations of the committee-room and to the debates on the floor, personal and precise knowledge in reference to manufactures, to railway management, to ocean commerce, and to everything relating to currency and banking. Some of these men would be talkers, and would talk well and to the purpose; others, like the late Mr. Appleton, of Boston, would never be heard in open debate, but they would exercise a degree of influence surpassed by none of their associates. Such men, also, would show a capability for despatching business, which would be worth much in the saving of time it would accomplish. We remember a remark by Mr. George Opdyke, after a busy meeting of the New York Chamber of Commerce, to the effect that it would have taken the House of Representatives two weeks to transact the amount of business which the Chamber had disposed of intelligently in two hours. We have seen, during the currency debates of the last few years, how valuable the service of a single practical man may be, like Mr. Morrill, of Vermont, in the Senate, and Mr. Chittenden or Mr. Hewitt, of New York, in the House. There should be, at the least, a dozen such men in the Senate, and fifty or more in the House of Representatives. Then we might hope to see the tariff laws, which, as all parties agree, need careful and systematic revision, successfully dealt with; and the shipping question would perhaps be considered in its widest relations, without regard to the representations and schemes of selfish speculators and subsidy seekers.

We wish it to be distinctly understood that the men for whose presence we plead in the administration, in the diplomatic service, and in Congress, are not ambitious and intriguing party politicians,

mere wire-pullers and caucus-packers, who happen also to be prominent in the community in which they live, as merchants, or bankers, or manufacturers. The change in the House of Representatives would hardly be worth talking about if it were proposed only to substitute a given number of average partisan merchants for the same number of average partisan lawyers.

We have assumed throughout this discussion that there are today in the United States men of character and standing and ability in the commercial classes — practical men — whose services in high position could be made available if there were an imperative demand on the part of their fellow-citizens for them. Who shall deny that there are such men in all the walks of life, — merchants, lawyers, scholars, — for, in closing, we would make our case as broad as possible, and would plead for a higher character and purpose in our representation as a whole, and in all the management of our public affairs? But such men as we mean, whatever their calling or profession, must be diligently sought out, and they must be brought forward by others, for they will not push themselves into political prominence. They have little to gain personally in public life, while often they may have to make heavy sacrifices, in giving themselves to its absorbing and wearing requirements. But they will not persistently decline office, if they can be assured that the country not only needs but desires their time and labor and devotion, and that they will be sustained in the maintenance of their individuality and personal independence, and in their purpose to put country at all times before party, and principle above time-serving expediency. For such men as we refer to, the highest types of their class or vocation, will not be hampered by party shackles when their convictions lead them to conclusions different from those of their associates, or even from those of their constituencies. During the latter days of the forty-fourth Congress it will be remembered that on a grave question, upon which geographical sections as well as parties in the country were sharply divided, two republican members of the House of Representatives felt themselves called upon to lay aside for the moment all considerations of party and locality, and to vote with their democratic fellow-members; and everybody whose respect was worth securing, whether agreeing with them or not, respected them for their manliness and for their independence. These two men we present as conspicuous and distinguished examples of the "thought" and the

"fact" of Tennyson's line, quoted above. One of them (President Seelye) is now at the head of a leading New England college; the other, a Boston merchant (the Hon. Henry L. Pierce), is to-day no less honored and esteemed in commercial and in private life than he ever has been in the sphere of politics.

With a Congress in Washington comprising truly representative men, gathered from amid the various avocations of American life, each one supplying what might be lacking in the others, and all together possessing a large and ripe experience of both the theoretical and the practical side of affairs, and the knowledge derived no less from close contact with the busy present, than from careful study of the historical past and of the nature of things, — the great body of the people might go forward quietly and confidently with their industrial pursuits, buying and selling, sowing and reaping, and getting gain, with no fear constantly before their eyes of interruption and disaster from crude legislation, from reckless trifling, and from a restless love of change.

CHINESE IMMIGRATION.

READ BY S. WELLS WILLIAMS, LL.D., OF NEW HAVEN.

(September 10, 1879.)

The question of Chinese immigration has drawn to it a degree of attention since the immigrants began to land in this country thirty years ago, which can hardly be explained by their numbers, their conduct, or their capacity. The total arrivals from China during a quarter of a century have not equalled the number of persons which have landed at New York from Europe in six months during most of those same years. Their behavior, under great provocation, has excited no commotion; nor has their learning, power, skill, or bigotry been such as to give any reasonable ground for alarm. It is not easy to account for the excitement on rational grounds, or to explain the many unfounded statements against the Chinese which have passed current, even after their inaccuracy has been shown. A good deal of the discussion has arisen from the different views taken as to what might grow out of their presence or increase. Some, drawing on their fears for their facts, regard them as the first ripple of an overwhelming flood of ignorance, poverty, heathenism, and vice; while others, speaking from experi-

ence, after trying them in various capacities, assure us that the Chinese are docile, temperate, thrifty, and industrious, and have great capacity for improvement.

My present object is to describe the origin, kind, and prospects of this immigration, the conduct and the rights of the immigrants, with notices of their treatment, so as to come to an intelligent idea of the question. Few incidents in the last few months have had a more picturesque setting in regard to the actors, the place of meeting, and the subject talked of, than the interview held last April between General Grant and the Chinese merchants at Georgetown, in Pulo Penang. This island owes its commercial importance to the industry and skill of its twelve thousand Chinese settlers, who, under the care and control of the British Government, have made it a mart for the traffic of the neighboring islands and continent. They met the late President of the United States, in his journey around the globe. His position as a mere traveller offered to their minds, no doubt, something anomalous and almost inexplicable, but still invested with a scantling of its original power. They presented him with an address, whose subject was equally remarkable with the origin of the interlocutors, for they asked him to use his influence to secure a fair and liberal treatment for their countrymen in America, and to remove any restrictions which had been imposed on their freedom to come and go, the same as any other nation. He told them, in reply, "that the hostility of which they complained did not represent the real sentiment of America; but was the work of demagogues, who, in that, as in other countries, pander to prejudice against race or nationality and favor any measure of oppression that might advance their political interests. He never doubted and no one could doubt that, in the end, no matter what effect the agitation for the time being might have, the American people would treat the Chinese with kindness and justice, and not deny to the free and deserving people of their country, the asylum they offer to the rest of the world."

I believe that this witness spoke truly. The discussions in the West and the East, in the pulpit and in Congress, will all tend to bring out the truth and help to maintain our national character for fairness and justice in relation to the Chinese. China itself is one of the best misrepresented countries in the world, and her people have been subject to the most singular diversity of opinion from writers and travellers, whose books have shown that

they had had no opportunity to revise first impressions, or correct errors, and yet have furnished most of the statements relied on for the estimate taken of Chinese civilization. Now that scholars have increased, our acquaintance with the arts, culture, government, and literature of the sons of Han will help us better to understand the causes which have operated to make them, under the blessing of God, as much of a nation as they are.

They form one of the purest of existing races, and have occupied the eastern confines of Asia from very early times. The people are so often called Mongols in this country that it is concluded that they are of the same race as the nomads of the steppes. We may call them Turanians, if it be necessary to indicate their early race affinities; but it is unjust to apply a term which only dates from Genghis Khan, in the 13th century, fully 3,000 years after their history begins. His grandson, Kublai, conquered China, and his family held sway over the empire for 83 years, under eleven emperors. All of them learned the elements of regular government from their subjects, whose manners, language, laws, and religion were generally adopted. Their expulsion left the Chinese to themselves, and the Mongols or Tartars, as they are now usually called, have been since mostly under the control of their former subjects. The present rulers of China belong to neither of these races, but to the Manchu, which has occupied the northeastern shores of Asia since the 10th century. This race ruled the northern provinces of China for about 120 years, till A.D. 1232, when Genghis Khan destroyed their power and drove them back into their original haunts. They again grew powerful, and by a fortunate stroke repossessed themselves of Peking, in 1644, and have since ruled the empire with great prudence and vigor.

It is, therefore, an entire misnomer to call the Chinese Mongols, and I am sure that many persons use it in ignorance of the facts of the case. I am well aware how the term Mongolian is used by writers to include Laplanders, Tartars, Chinese, Japanese, with the Esquimaux and other Indian tribes, under one race; but we wrongly use it to designate a people occupying the Chinese Empire only. The old Aztecs and Iroquois, in this continent, were more alike in most respects than the Chinese and their neighbors in Central Asia, and they feel chagrined to be thus designated. Not a Mongol, to my knowledge, has ever landed in this country, and none are likely to come, any more than are the Arabians or Brahmins.

The southern Chinese alone have immigrated to foreign lands; and until recently went only to the Indian Archipelago, Siam and India. This portion of the people is less pure as a race than their countrymen north of the Yangtse River, having early mingled with old Malayan tribes living south of the Nanling range in the province of Kwangtung. This mixed race exhibits some physical differences from their northern countrymen, the results of amalgamation, climate, and food; but is now quite the same in language, institutions, and religion. The people are smaller and more swarthy, have more commercial enterprise, are better educated, and exhibit higher mechanical skill.

Only six departments or prefectures, lying along the coasts of the two provinces of Kwangtung and Fuhkien, from Hing-hwa near Fuhchau, to Shau-king, west of Canton, have furnished all the emigrants to other lands. The emigration into Malaysia and the Indian Islands has been going on for two centuries, and its results have been greatly to the advantage of the native states. Wherever the Chinese have come into actual conflict with Europeans it has been only with regard to trade and taxes, and never on account of their attempts to set up independent governments. The prosperity of Luconia, Siam, and Borneo has been largely owing to this element of their population; and even in Java, where the Dutch closed their ports against them in 1840, they have recently been invited to return, as mechanics and traders.

The custom of these Southern Chinese has been to pass to and fro; and, though most of the emigrants remained where they landed, thousands returned to their homes. This gradually diffused a knowledge of foreign countries and people throughout these coast regions, and made it easier for the natives to go to the Gold Hills when the report came in 1849 of the discoveries in California and Australia. A few went first to San Francisco, and their favorable reports spread through the towns around Canton, as they showed the dust they had brought. In 1854, the emigration began to assume larger proportions, and foreigners gave every facility to the emigration, as the business gave profitable employment to their ships.

The foreigners who flocked to California about 1849, and after, were desirous of getting Chinese labor, so that every emigrant soon found work. But about that year the Cubans, Peruvians, and English were also desirous of importing Chinese laborers into their

colonies; and the ignorance of the latter of all foreign countries led them to readily infer that when once out of China they would at last reach the Gold Hills. This coolie trade, as it has been since called, was greatly aided by the free emigration to San Francisco and Melbourne; but the two were radically different.

During the ten or twelve years ending in 1874, a marked and well-known distinction between free and contract emigration was drawn by the natives around Canton simply by the port the ship sailed from. If she cleared from Hong-kong, everybody knew that her passengers were free; if from Macao, forty miles west of it, all knew that they were coolies—or as the native term, *chu-tsai*, *i. e.* pigs in baskets, described them—and would probably never come back. So marked had this distinction become that the Portuguese had made a term from this phrase, *chuchairo*, to denote a coolie broker. In 1873 the atrocities connected with this business had become so outrageous that the Portuguese Government, at the urgent remonstrance of the British Government, put a stop to the shipment of all contract Chinese from Macao, and brought the evils to an end. Their recital would be only a repetition of the modes in which reckless cupidity, irresponsible power, crafty misrepresentation and cunning, well-planned temptation, or outrageous violence and callousness, all united to get the advantage over ignorance, poverty, and want. The Chinese authorities at Canton issued stringent regulations to punish and restrain crimps and other agents; but the laws were mostly a dead letter. The native kidnappers were sometimes caught by their countrymen, and put to death, with excruciating tortures, crucifixion and burning. Still, so long as the coolies could be shipped from Macao, the trade went on, to the terror of the community in which it thrived and the disgrace of that settlement, till it was confessed that it never could be conducted with both profit and honor.

These notices of the coolie trade are given because much has been said in the United States about the coolies brought here. It may be stated that this word *coolie* is not Chinese, but Bengalee. It was originally the name of a hill tribe in India, whose able-bodied men were wont to go down to the plains in harvest-time, just as Irish laborers cross to England at the same season and return home when it is over. The name gradually extended to all transient laborers, and in 1835 such people were hired at Calcutta (under contracts) to go to Mauritius, where laborers were needed.

The application of the word to Chinese contract laborers was easy, for the term was already in use among foreigners in China for lower house servants and day laborers. These last, on their part, supposed it to be an English word, and probably the immigrants, on reaching San Francisco, ready to do any kind of labor, and not knowing many English words, so called themselves. There are three different terms in Chinese for house servants, for day laborers, and for contract coolies; and I think that a good deal of our misapprehension as to the character of those in California has arisen from this misuse of the word.

The regions to which the coolies were carried included Cuba and Peru (where most of them landed), Jamaica, Trinidad, Demerara, Surinam, Hawaii, Brazil, and Central America. The Panama Railroad was mostly built by them, taken there in American ships. The only attempt to bring them to this country, which I have heard of, was made by some persons in New Orleans; but I am not aware how it succeeded. The total number of men thus carried away was probably over 300,000, of whom 142,422 landed at Havana between 1847 and 1874. Out of the whole, I do not think that 500 ever escaped or returned home; and I am inclined to believe that over two-thirds of them all went abroad willingly, though ignorantly.

During these same years, men were going and returning from San Francisco and Melbourne, with stories of their success. The total arrivals at the former port between 1852 and 1878, according to the custom house records, was 230,430, of whom 133,491 returned home or died, leaving 96,939 in the country, not including births. "Spofforth's Almanac" for 1878 gives the arrivals in all the United States between 1855 and 1877 at 191,118. At this rate, it will probably take a century before half a million will find a footing in our wide domain, and that too against the competition of the owners and settlers of the soil and the skilled labor of our artisans. If two-fifths returned home when the land was open and calling for laborers, and the building of railroads gave work and wages to thousands of these hands, is it not as certain as a thing can be, on these facts, that the supply of workmen will be proportioned to the demand? On our eastern shores almost half a million of immigrants landed at New York in 1872 alone; while the total number of arrivals from Europe for 30 years, ending in 1878, was 8,200,000, or more than one-sixth of our present population.

Nearly all the Chinese have come here from a strip of territory not much larger than the State of Connecticut, lying south and southwest of the city of Canton. Some alarmists said last year that myriads from the famine-stricken provinces in Northern China were to be brought to our shores; but not an emigrant has ever sailed from Shanghai or Tientsin for California. All have gone from Hong-kong. The province of Kwangtung, of which Canton is the capital, measures 79,456 square miles, and its inhabitants speak many local dialects, which tends to crystallize them into separate communities, and has great influence on emigration, because it is only those who speak the same dialect who naturally go together. A man from Canton, meeting one from Amoy, Fuhchau, Ningpo, Tientsin, or Hankow, would be unintelligible to each of them, as they severally would be to each other; and this feature almost compels emigrants to follow the lead already opened. Thus Swatow furnishes those for Siam, Amoy does those for Manilla, Kia-ying for Borneo, and five districts in the central and southwest parts of Kwangtung province were the homes of those now in Australia and the United States. Their names are Sin-hwui, Sin-ning, Kai-ping, Ngănping and Hiang-shan. For those coming from each of these five districts, or counties, a company has been formed in San Francisco to look after their welfare and to help them while in America. A sixth company does the same for all the immigrants from other places. The inducements and help of friends and the reports of returning miners have had great influence in stimulating their departure. Fears are entertained by some persons, however, that, if the gap thus opened in the vast population of the Chinese Empire be not stopped by limiting the number in one vessel to fifteen, or by abrogating the Burlingame Treaty, it will continue to run like a leak in a mill-dam, till we are all swamped. These are as baseless as the fear that the Indians are going to unite in a league to regain their ancestral hunting-grounds. Men do not change their homes and allegiance without adequate inducements and rewards, which are all wanting in this case.

Two or three other causes, besides the different dialects, have much influence in hindering Chinese emigration. One is their pride of country, which leads them to look upon those who go out of it as most unfortunate, running great risks of their lives, and putting themselves in the power of cruel and ignorant barbarians. Though

there is now no law in force forbidding emigration, public opinion strongly discourages it, and the love of home acts against it.

A second deterrent cause is a strong sectional antipathy between the natives of different provinces, and even parts of the same province, leading them to shun each other like the clans of Scotland in the olden time. In Kwangtung, constant strifes arise between *settlers* and *squatters*, called *pun-ti* and *hak-ka*, often resulting in much loss of life. This repugnance tends to confine the immigrants to our shores to the districts near Canton. Further strong influences are at work to detain those who are in office or belong to the gentry, and those who have property or are in business. Besides these, the ties of family and claims of infirm, needy, and sick dependents compel myriads to stay. The numbers, which seem to be great here, are not missed there. Their departure or return makes no impression nor stimulates other throngs to do likewise. The men we have are the common peasantry from country districts — young and healthy, thrifty and industrious, willing to work and make their way in the world. They are neither paupers nor lepers, and certainly not criminals, for such could not get away nor obtain the aid or security needed. China has not yet learned how to dispose of her criminals this way. Most of them can read a little. Hundreds get over by borrowing money on high interest, to be repaid as they earn it, the lenders risking it on their life and habits. One hears so much of the serfs, slaves, coolies, peons, Mongols, and such like poured on our shores, that very erroneous notions of their character prevail. One official document even described them as "voluntary slaves by the unalterable structure of their intelligent being." Complaint has been often made that the immigrants bring no families; but custom is too strong for the women to leave home to any extent. I think, when we consider how timid and ignorant they are — many of them crippled by cramping the feet — that, under the circumstances, it has been better as it is. Their sufferings would have probably been great, unable as most of them are to speak English, the objects of obloquy, and exposed to manifold temptations.

The new constitution of California gives us the intentions of the opponents of Chinese labor in Art. XIX., and shows the ignorance of its framers by the impossibility of carrying out its provisions. Some of them are in violation of the laws and constitution of the United States. "Asiatic coolieism" is prohibited, but is not defined.

It was needless, however, for Asiatic coolieism had never existed in California, or any other State of the Union. It had already been declared to be illegal and piratical by Congress, and the law-makers might have fortified their position by referring to the Act approved February 19th, 1862, before inserting the following extraordinary section in the organic law of their State:

"SECT. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor shall be subject to such penalties as the legislature may prescribe. The legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits; and it shall also provide the necessary legislation to prohibit the introduction into the State, of Chinese after the adoption of this constitution. This section shall be enforced by appropriate legislation."

If history repeats itself, legislation does so far more frequently; for here are the silly laws of China and mediæval Europe re-enacted in our Republic, and making new Ghettos for Chinamen near every town in California. This whole section reads more like the by-laws of a mining company, trying to keep its claim intact from the encroachments of other companies by erecting a fence around its land, than the deliberate result of a convention of wise men met to make a State constitution. It is not stated who are the foreigners ineligible to become citizens; nor is it defined how the company formed in a foreign country for the importation of coolie labor, even before it has done anything, is to be made subject to the penalties of a California legislature; nor how that State is going to execute laws prohibiting the introduction of Chinese into its borders, in face of a treaty between China and the United States. These points are left for the wisdom of a future legislature to attend to.

I have stated that an act of Congress is in existence prohibiting the introduction of contract laborers from China, or any other land,

into the United States. In January, 1867, the following resolution unanimously passed both houses of Congress:

"*Whereas*, The traffic in laborers, transported from China and other Eastern countries, known as the coolie trade, is odious to the people of the United States, as inhuman and immoral; and

"*Whereas*, It is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave-trade, to permit the establishment in its place of a mode of enslaving men differing from the former in little else than the employment of fraud, instead of force, to make its victims captive; be it, therefore,

"*Resolved*, That it is the duty of this Government to give effect to the moral sentiment of the nation, through all its agencies, for the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands."

This resolution was a proper expression of public opinion; but it never prevented a single coolie afterward landing at Havana or Callao, any more than its tone would lead one to suppose that a hundred thousand coolies had landed at San Francisco, through the agency of the six companies. The opponents of Chinese immigration have so persistently declared that those who land in this country are coolies, that the burden of proof, after what has been said, must rest with them. It is not a mere question of the meaning of terms. Even so distinguished a man as Senator Blaine seems to have got the idea that the men now arriving in San Francisco are the same class of people designated in this resolution. He certainly ought, for his own credit, to have learned the facts of the case, before he accused the Chinese Government, as he did, of violating the Treaty, by declaring from his seat in the Senate, that, "in the sense in which we get immigration from Europe, there never has one Chinese immigrant come to these shores. . . . The Chinese Government agreed to enforce the provision that there should be nothing else than voluntary emigration. They have never done it. The Treaty stands broken and defied by China from the hour it was made to the present time. We had to legislate against it. We legislated against it in the Coolie Law. The Chinese were so palpably and so flagrantly violating it, that statutes of the United States were enacted to contravene the evil they were doing; and it has gone on, probably not so grossly as before, but in effect the same."

It is enough to say, in reply to this charge of breaking the Treaty, that the Chinese authorities, both central and provincial, had passed many laws to restrain and prevent the coolie trade, and that the last act against it passed by our Congress was on February 19th, 1862, more than six years before Mr. Burlingame signed the Treaty. When that Treaty was negotiating, in July, 1868, no one at Washington brought up the charge that the Chinese Government had been for years sending coolies to California, nor were the immigrants then so generally stigmatized as serfs, coolies, peons, slaves, and Mongol hordes, for their labor was needed. I crossed the Pacific in 1860 in a ship with three hundred and sixteen Chinamen, not one of whom had a contract, and three-fourths of them came from two villages. No Chinese ship has ever yet crossed the ocean; consequently no Chinese has ever brought coolies to this country, and the blame of violating the Treaty could not rightly rest on that Government. Certainly, if there is one matter in which the American and Chinese Governments have been of one mind, it is the restriction of the coolie trade; while all the difficulties, the responsibilities, and the sufferings, too, have been on the part of the latter.

The majority of members in the Congressional Committee sent to California in 1876 were against Chinese immigration. It obtained much evidence in support of their views; but none of the witnesses could produce a contract for bringing a single coolie from China. I have seen thousands and thousands of these contracts in Chinese and Spanish or English, containing the terms obliging the coolies to go abroad for so many years at such wages, and their stipulations are plain and explicit.

I come now to a consideration of the Treaty which exists between China and this country. The bill which passed Congress last February, intended to restrict Chinese immigration, had this undignified feature (a solitary instance in our national legislation), that it covertly abrogated this Treaty, without even referring to its existence; without citing an instance of its violation; and, what was worse, without first informing the other party. Its passage was quite unexpected; but it aroused quick remonstrances from State legislatures, from colleges, from missionary societies, from chambers of commerce, and from distinguished citizens, all alike presenting their reasons to the President against his approval.

In its Treaty with China, this nation has solemnly pledged its

faith to firm, lasting, and sincere friendship with that empire; it has promised that the people of the United States should not, for any trifling cause, insult or oppress the people of China, so as to produce an estrangement between them; the Federal Government has covenanted that Chinese subjects in the United States should be exempt from all disability or persecution on account of their religious faith; it has asserted that there is mutual advantage from the free migration and emigration of the people of the United States and China, respectively, from the one country to the other, for the purposes of curiosity, trade, or permanent residence; it has specifically pledged itself that Chinese subjects residing in the United States should enjoy the same privileges, immunities, and exemptions in respect to travel or residence as citizens of the most favored nation; and, finally, as if to place all stipulations in the Treaty on the highest moral basis, it invokes, in what is called the Toleration Article, as the standard of dealing between the two nations, the Christian sentiment that the principles of the Christian religion teach men to do good, to do to others as they would that others should do to them. In all these ways the Governor of Nations had beforehand placed the United States under peculiar liens toward this ancient kingdom to treat it with justice and patience. Some of the stipulations have a present application which could not have been anticipated when they were signed and ratified.

I would urge the maintenance of this treaty, not alone on the high ground which the President takes in his veto — that it is not the function of Congress to make new treaties or modify existing ones, and "that the denunciation of a treaty by any government is confessedly justifiable only upon some reason, both of the highest justice and of the highest necessity" — but on the higher ground that we shall sin against right and justice if we do not. The highest expression of a nation's voice is in its treaties; they form almost the only declaration of its honor which other nations can appeal to. The denunciation of the conduct of the last king of Judah, for his violation of his covenant with the king of Babylon, stands on the sacred page as the highest attestation of the sacred character of such compacts. Says the prophet Ezekiel, speaking of king Zedekiah's conduct:

"Seeing he despised the oath by breaking the covenant, when, lo, he had given his hand, and hath done all these things, he shall

not escape. Therefore, thus saith the Lord God, As I live, surely mine oath that he hath despised, and my covenant that he hath broken, even it will I recompense upon his own head."

I do not doubt that these words carry much weight with them still as a word of warning; and I believe that there is moral strength and principle in the people of this land quite sufficient to maintain what they have promised in the Treaty with China.

The government of that empire has uniformly admitted its obligations; and, considering its great difficulties, has creditably fulfilled them. The four treaties signed at Tientsin in 1858 were, no doubt, obtained under great fear and pressure; but their stipulations placed international intercourse between the East and the West on a definite footing, and their operation has been to teach the secluded rulers of China both their own rights and their duties toward other nations. Great progress was shown, eleven years after, in sending Mr. Burlingame on a complimentary embassy to the powers with whom the Emperor had made treaties.

When the embassy reached Washington, it was received with great *eclat*. Among other things done during its stay was the negotiation of eight additional articles to the existing Treaty, by plenipotentiaries of the two governments, who signed them on the 28th of July, 1868. They were ratified by the Senate a few days afterward, and then forwarded to Peking, to be ratified by the Emperor, even before they had been submitted to his perusal. This was not done till the 23d of November, 1869.

Considering the circumstances under which the first or Reed Treaty was signed, those attending the second were indicative of great and real progress in the intervening ten years. Its fifth article relates to emigration from either country, and has drawn great attention in and out of Congress, as if it stood in the way of our ridding ourselves of an unbearable evil in the crowds of Chinese who had thereby been induced to come to this country. It reads:

"The United States of America and the Empire of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties join, therefore, in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass

laws making it a penal offence for a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively."

The leading idea in this article is to discourage the coolie trade, and this public declaration of our Government as to the difference between it and voluntary emigration was not supposed to have any other meaning. It is hard to see, moreover, how the declaration of an inalienable right of all men should be supposed to encourage or hinder its exercise; it could not have incited emigration, for I am sure that not one in a hundred of the Chinese who have landed here ever saw it in their own country. Says Gov. Morton, the chairman of the Congressional Committee:

"When this Treaty was concluded with China it was regarded by the whole nation as a grand triumph of American diplomacy and principles; and Mr. Burlingame was regarded as a benefactor of his country by having secured to Americans the protection of the Chinese Government and the right to live there and trade, and for having secured from China a recognition of what may be called the great American doctrine of the inherent and inalienable right of man to change his home and his allegiance. For the recognition of this doctrine we had been struggling by negotiation ever since we had a national existence, and had succeeded with them one by one. Within the last eight years we have secured its recognition by Germany and other European states that had long held out against us."

I need not quote from the recorded views of Gov. Morton on the backward step this country has been urged to take in regard to Chinese immigration, by adopting the very policy China itself is forsaking. That opinion would have been even more decided if he had lived to join in the Congressional debate of last winter, and record his vote in the Senate against the bill.

The passage of this bill at that time drew public attention to the treaty rights of the Chinese, and the people sustained the veto of President Hayes, as a judicious, sound, and timely refusal to yield to a sectional demand to go back on a lifelong policy in regard to immigration. That veto saved this Republic from one of the most uncalled-for wrongs to its national reputation, in repudiating a

solemn treaty, in fact, if not in form, without mentioning a single instance in the bill of the wrong-doing of the other party, as was done in 1798, when the treaty with France was abrogated by Congress, and without first stating to the Chinese our own case. It would have been hard for us to have made out a grievance. We would never have done so toward a strong nation, and it was entirely unnecessary to do it toward a weak one. The new constitution of California has, however, supplemented the bill by the following sections:

"No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The legislature will pass such laws as may be necessary to enforce this provision.

"No Chinese will be employed on any State, county, municipal, or other public work, except in punishment for crime."

The execution of these two sections is likely to cause some resistance on the part of corporations in that State, by their restrictions on the labor market — one of the chimerical objects of the majority of the Convention.

As another instance of unjust (if not impossible) legislation in the same direction, one where the object aimed at is almost forgotten in view of the manner in which it is to be reached, is a bill recently introduced in the Senate by Mr. Slater, of Oregon. This is what his bill forbids the hapless Chinaman to do:

"To engage in, carry on, or work at any manufacturing or mechanical business; or to own or lease, carry on or work any mine, or to own or lease any real estate for any purpose other than that of lawful commerce and for places of residence; or to conduct any farm, garden, vineyard, or orchard, for agricultural, horticultural, or other like purpose; or to own, have, or keep any herd of cattle, horses, sheep, goats, or swine, for the purpose of making profit by the increase, product or use thereof; or to keep any hotel or restaurant for public entertainment (excepting for the use and accommodation of the citizens and subjects of China); or to work or engage to work as mechanic, artisan, laborer, waiter, servant, cook, clerk, or messenger, or in any other kind of labor, skilled or unskilled, except for and in the employ of citizens and subjects of China lawfully engaged in commerce in the United States or travelling or residing therein."

The bill reads like an edict of Philip or Alva against heretics, for it declares that the penalty for every violation of these provisions is a fine of not less than $100, *and* an imprisonment for not more than six months. Conviction involves a "forfeiture of all property used or invested in the prohibited business." No person or corporation can employ a Chinese in prohibited work or business, under a penalty of $100 for each offence. Comment on such regulations could add nothing to their harshness, their impossibility, or their folly. It is true, indeed, that they have not yet the force of law, and I quote them only as an index of the kind of legislation which may be attempted at the next session in regulating the treatment of these people in the East as well as in the Pacific States.

I have endeavored to show that the Chinese are here under the strongest public sanctions of any race, and ought to be protected in their treaty rights by this nation. They began to come to the Pacific coast at the invitation of our own people, attracted there, as others were, by the search for gold. They took up the washed-out and abandoned diggings at first; but they have since continued to come and go, because their was a demand for their labor. We call them *Heathen Chinee*, and so, unhappily, they are; but they brought with them industrious and quiet habits, and during the past 27 years have added largely to the resources and wealth of this country. They have spread themselves over that and the neighboring States wherever their labor was wanted, and have given general satisfaction in those branches of unskilled labor for which they were fit. It is impossible to estimate the money value of this industry; but the evidence taken by the Morton Committee proves that, without their help, many enterprises now in full operation would not have been attempted when they were much needed. Among these enterprises the Pacific Railroad stands prominent, and one of its leading managers testified that Chinese laborers had given more employment to white laborers than they could otherwise have got, and that the road could not have been completed for many years if these Asiatics had not been available. Over a million acres of tule-lands have been reclaimed, which would otherwise have lain idle to this day. Irrigating canals for farms, with dams and sluices for the mines, all owe their existence to this source. One witness stated that without Chinese aid the population of California could not be maintained at more than one-half its present amount; and in regard to the cultivation of wheat he assured the

Committee that it could not be profitably raised at all if the cost of production were increased. I was told that in September, 1876, about 400,000 bushels were ready for the sickle, and that this crop could not have been moved unless Chinese laborers had been there to put it on board ship at a cheap rate. The only thing to be done with it was to let it rot or burn it. The ramifications of labor are so great that every one must see that it is nearly impossible to separate out one branch from all the others, and that to place the benefits of Chinese labor at a figure like $300,000,000 or $400,000,000, is to deceive one's self as to its true value. It is the way, however, that "we are ruined by cheap Chinese labor."

How fallacious, therefore, are the statements in the California Senate Address by which its writers try to prove the loss to the country caused by this immigration. They roundly assert that the Chinese laborers make a draft upon the wealth of the nation, take from, instead of adding to, its substance, and have abstracted from California alone not less than $180,000,000 in gold, while they have contributed nothing to the State or national wealth, and prevent a more desirable class of settlers coming. An estimate is then made that 125,000 male European immigrants would have enriched the State at least $380,000,000, in which total is included the $180,000,000 carried home by the Chinese. In this singular sum in political economy, the capital value of so many European immigrants who had not yet landed in the State is set over against the actual earnings of as many Chinese, not one of whom could have got a cent to carry home until his labor made it and left its equivalent behind him. If, too, they carried it and themselves home, could not the writers see that just so many vacant places were left for the more desirable class? The very reason alleged against the Chinese carrying their earnings home is, therefore, incompatible with the fear expressed by the writers of the unarmed invasion impending from Asia. The impulse which led the immigrants to return should, in fairness, have been stated as a reason why there was little to fear as to their coming in vast numbers. But the one-sidedness of this Address is apparent throughout. If, however, the 125,000 European immigrants who, if the Chinese had never come, would have enriched the State nearly $400,000,000, have helped to enact the new constitution now in force, some of the American inhabitants may think that their presence has not been all clear gain.

The main arguments of those who have denounced the Chinese

have been founded a good deal upon partial statements of facts which are not denied, and an exaggeration of evils which have been caused in a good measure by the bad treatment the Chinese have received. An instance of this mode of argument appears in this Address, where it describes the expected "unarmed invasion" which is to overwhelm the Pacific slope, and to resist which the Senatorial Committee calls upon this nation for help:

"Already, to the minds of many, this immigration begins to assume the nature and proportions of a dangerous, unarmed invasion of our soil. Twenty years of increasing Chinese immigration will occupy the entire Pacific coast, to the exclusion of the white population. Many of our people are confident that the whole coast is yet to become a mere colony of China. All the old empires have been conquered by armed invasions; but North and South America and Australia have been wrested from their native inhabitants by peaceable, unarmed invasions. Nor is this fear entirely groundless as to the Pacific coast, for it is in keeping with the principles which govern the changes of modern dynasties and the advance guard is already upon our shores. The immigration which is needed to offset and balance that from China is retarded by the condition of the labor question on this coast, and we have reason to expect that within ten years the Chinese will equal the whites. In view of these facts, thousands of our people are beginning to feel a settled exasperation — a profound sense of dissatisfaction with the situation. Hitherto this feeling has been restrained and the Chinese have had the full protection of our laws. It may be true that at rare intervals acts of violence have been committed towards them; but it is also true that punishment has swiftly followed. Our city criminal courts invariably inflict a severer punishment for offences committed upon Chinese than for like offences committed against whites. The people of this State have been more than patient. We are satisfied that the condition of affairs, as they exist in San Francisco, would not be tolerated without a resort to violence in any Eastern city. It is the part of wisdom to anticipate the day when patience may cease, and by wise legislation avert its evils. Impending difficulties of this character should not, in this advanced age, be left to the chance arbitrament of force. These are questions which ought to be solved by the statesman and philanthropist, and not by the soldier."

It has been by such a mixture of facts, fears, and assertions that

much of the ill-will against the Chinese has been fostered. Its influence has probably been greater than that of any other document issued; for it is signed by the Chairman and Secretary of the Committee, and few of its readers have the means of verifying or examining its statements. The single fact, however, that less than 120,000 Chinese, at the highest estimate, even now remain in our borders, indicates the little depth and force of this unarmed invasion.

This Address was fully answered December 8th, 1877, by a Memorial from the Six Companies addressed to the Senate and House of Representatives, containing statements drawn from public documents and proofs of its inaccuracy, which could not be denied. The amounts of poll and other taxes paid by the Chinese in the State were far beyond the proportion paid by other inhabitants, especially in the miner's tax. Every page of this Memorial bears evidence of the carefulness with which it was written, in view of the scrutiny which would assail its assertions. It has borne the examination; but in the Eastern States it has not been made known as widely as the Address. The contrast between the writers and the objects, arguments, and animus of the two documents is one of the most singular and instructive in the history of the American people. The charges brought against the British Crown by our fathers in the Revolution, detailing the bad treatment experienced by the colonists, did not compare with the injustice and wrongs which have been suffered by the Chinese under the laws of California.

In face of the assertion just quoted from the Address, as to the "severer punishment inflicted upon those who attacked the Chinese," I abridge a sentence or two of the argument of Mr. Bee, spoken before the Morton Committee, in 1876, about a year before the Address was issued:

"I regret exceedingly, Mr. Chairman and gentlemen, to bring to your notice scenes and acts which have transpired upon the streets of San Francisco, which are a disgrace to any and all civilization. No country, no government, I undertake to say, has ever permitted the indignities to be cast upon any race of people, that the government and municipality of San Francisco and California have permitted upon this class. I have myself seen one of the Pacific Mail steamships hauled into dock in this city, loaded with 1,000 or 1,500 Chinese. They were put into exprees wagons, to

be taken to the Chinese quarter; and I have seen them stoned from the time they landed till they reached Kearney Street, leaning out of the wagons with their scalps cut open. I have seen them stoned when going afoot from the vessel. No arrests were made, no police interfered. I do not recollect of ever an arrest being made when the hoodlums and street Arabs attacked these immigrants. I say it with shame, that they have no privileges, and do not seem to have the protection or the laws extended to them in any particular."

This treatment by the hoodlums of that city was corroborated by a clergyman who was giving one reason for the few conversions among the Chinese, and there seems to have been no effort made by the police to restrain such wrong-doers. The writers of the Memorial, in view of these facts, most justly ask the question:

"Where is your boasted independence, when an agrarian mob dictates what kind of labor you must employ? Where is your boasted freedom of speech, when a daily press dare not discuss both sides of a question or speak a word in favor of an abused and persecuted stranger? Where is that liberty your fathers fought for, that a mob, led by aliens, can, undisturbed, hold their daily gatherings, and threaten to hang your best citizens, burn their property, and denounce them as thieves? And where does this lawless element look for encouragement, but to that class which occupies a higher political plane, whose exaggerated opinions concerning the Chinese we have quoted?"

This Memorial also refers to Gov. Irwin's assertion in his message that the Chinaman has had his rights adjudicated in the courts with the same fairness that other immigrants have had theirs; and then asks, What justice was meted out at Antioch, at Truckee, at Rocklin, Penryn, and Secret Ravine, when the property of Chinese was destroyed, they shot down as they tried to escape, and all driven away? They ask if one of the actors in the July riots of 1877 in San Francisco, (when their property was destroyed and a Chinese murdered for defending his domicile, and his body thrown into the flames,) has ever been punished.

These accusations, charges, rejoinders, etc., all indicate the existence of serious antagonism in the society of the Pacific States. What are their causes? The strength and violence of this antagonism have been fostered by some peculiar circum-

stances; and, as evils never cure or weaken themselves, we do well to look at their workings in the light of such facts as are before us.

To my own mind, there is no fear of a great or irresistible immigration, and the reasons for its increase are less now than when the country was first opened. Thirty years have passed since the providence of God placed this region under the control of a Protestant nation, and, by disclosing its metallic treasures, after its sovereignty had been secured, attracted a population with such rapidity that California alone of all our States was never a colony or a territory, but arose at once from its military sway to be a fully organized State. That population was so ill assorted, too, that its reckless, lawless elements soon became too strong for the law-abiding portion, and the Vigilance Committee was the only remedy to save the State from anarchy. With hundreds of convicts, escaped from Australia, came hundreds of "moon-eyed Celestials," as the Chinese were called. A greater contrast was hardly ever seen between two classes of immigrants. No power was in the hands of the latter, and they were ere long exposed to discriminating legislation, the object of special laws which taxed away their property without their being allowed any voice in the matter. As soon as a law of the State had declared that a Chinese was an Indian, and its courts affirmed it, he was in reality outlawed. In 1852, Governor Bigler said there was no provision in the Treaty with China how Chinese immigrants should be treated, and that the Chinese Government would have no right to complain of any law excluding them from the country, by taxation or otherwise. This was before the date of the Burlingame Treaty; but while an act of the California legislature could not turn a Chinese into an Indian, any more than an act of Congress could turn a greenback into a piece of gold, it could prevent their evidence being taken in court; it could prevent their fishing or mining, their taking up land or settling on it; it could prevent their becoming citizens; and it did expose them, without remedy, to the most unjust treatment.

The summary manner in which the courts in California converted the Chinese into Indians, when it was desired to bring a law to bear against them, has a spice of the grotesque in it. The physiologist, Charles Pickering, includes Chinese and Indians among the members of the Mongolian race; but the Supreme

Court there held "that the term Indian includes the Chinese or Mongolian race." It thus upheld a wrong, while it enunciated a misconception. It placed the subjects of the oldest government now existing upon a parity with a race that has never risen above tribal relations. It included under one term a people whose literature dates its beginning before the Psalms or the Exodus, written in a language which the judge would not have called Indian, if he had tried to learn it, and containing authors whose words have influenced more human beings than any other writings, with men whose highest attainments in writing have been a few pictures and totems drawn on a buffalo robe. It equalized all the qualities of industry, prudence, skill, learning, invention, and whatever gives security to life and property among mankind, with the instincts and habits of a hunter and a nomad. It stigmatized a people which has taught us how to make porcelain, silk, and gunpowder, given us the compass, shown us the use of tea, and offers us their system of selecting officials by competitive examinations, by classing them with a race which has despised labor, has had no arts, schools, or trade, and in the midst of the Californians themselves were content to dig roots for a living.

The anomalies growing out of our present laws relating to naturalization are such as to allow the authorities in one State of the Union to give the Chinese citizenship within its borders, while those of another State may refuse it. The first has been done in New York, the latter is the rule in California. In 1878, Judge Sawyer of the United States Circuit Court for the District of California, rendered a decision on this point, quoting Sect. 2169 of the Revised Statutes of the United States, "that the provisions of this title (33) shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent." He decided that Chinese are not by law entitled to naturalization in this country because they are not white persons within the meaning of the statute, and that the intention of Congress was to exclude from naturalization "all but white persons and persons of African nativity and African descent." This decision would, therefore, properly exclude all Malays, Siamese, Burmese, Hindus, and Arabs, but it is an open and doubtful question whether it would exclude all Chinese and Japanese. The Chinese now in this country are more swarthy than their northern countrymen, for they come from just within

the tropics; but that people occupy a million and more square miles lying in the temperate zone, and those living in the northern provinces are about as white as Europeans on the same latitude; both are more nearly olive than white. Three times has this question been decided in the courts of California in like manner "that the term *Indian included the Chinese or Mongolian race;*" but it is high time that a question in ethnology and national hue should be examined carefully and settled on some basis before a judicial sentence carries with it such consequences.

When all this was done by those in power, then they declare that the Chinese will not assimilate with us. Senator Blaine describes the result, after the two races have been living side by side for more than thirty years, as not one step toward it; but he omits to mention the feelings which have flowed from thirty years' ill-treatment, as tending to strengthen the divergence.

Some might reply that this was only a fair return for the opprobrious epithets which their countrymen and rulers have given to all foreigners for hundreds of years and the ill-usage and the restrictions which these epithets indicated; but the times of that ignorance we can well afford to wink at, for they are passing away, and it is quite too late to use such arguments for our vindication. We are now mutually learning that there is far more of worth and promise in each other than either had supposed; and I believe, after forty-three years' intercourse with the lowest and highest classes, that only a wider knowledge is needed to cause a higher appreciation. It is reasonable, therefore, that a different status be given them, and now, that a Chinese legation has been received at Washington, and a Chinese consul accepted for San Francisco, it is suitable that the countrymen of Yung Wing and Seet Mingcook be no longer classed with Sioux and Pawnees.

Their helpless condition before the law in early times in California made them easy victims to violence. It stimulated the robberies, murders, ejections, and assaults which ere long became so barefaced that a member of the legislature at Sacramento used them as an argument for allowing the Chinese to testify in courts, because otherwise white persons would be exposed to similar violence.

"The wretches who committed these atrocities," as the Rev. Dr. Speer, in his valuable work, says, "felt secure under a three-

fold cover. First, comparatively few of the Chinese could speak English or knew how to obtain justice. In the next place, the officers of justice were too often under the control of the men who committed the offence, nominated and elected by them, and the villains let it be known that they would vote against any man who favored the Chinese. Lastly, these strangers have not been allowed to speak in an American court, and say: This was the man who shot down my brother in cold blood, and robbed his dying body of the gold for which he had been toiling for years, to send it home to make more happy the old age of our parents." Such things as these compelled a change.

One of these three disabilities still lies very much at the root of the whole question — viz., the inability to speak and read the English language. Its natural effect has been to drive the Chinese into closer compact amongst themselves, to strengthen the clannish feelings which would urge each aggrieved person to seek aid against his enemy from those who could hear his complaints, and to make him more thoroughly an alien by the feeling that he had been outraged without the hope of redress. This ignorance was insurmountable in the great portion of the immigrants, for they were too poor to spend their time in learning our language properly, and were too old to talk it intelligibly.

One result, too, was to throw great responsibility on the Six Companies, through whom the immigrants tried and did generally find counsel and aid. These companies have been the objects of more unjust charges, vituperation, and unfounded suspicion than any one can imagine who has not read what has been alleged against them. Yet I do not see how we could have got on, as the case has been, without them. What could have been done, otherwise, with thousands of active, young, and well-disposed men landing at San Francisco, not one of whom could read a word of English, and few of them talk it, yet each man eager to work as soon as he knew where? If the municipality of that city, seeing the facts of the case, had encouraged a few Americans to study the written language, and talk the Cantonese dialect, and had employed them as official interpreters and translators, to inform the immigrants of their duties, privileges, taxes, and other important points, the latter would have been ushered into their new condition with some idea of its requirements. Such a thing seems never to have been thought of as a practical end, and the

Chinese were left to be looked after by the Six Companies alone. Whatever the managers of those companies might say respecting their organization, rules, and actual operations toward their countrymen, it seems as if it all went for nothing in the eyes of their detractors. The Address just referred to says, speaking of "our ignorance of the Chinese language," that "the great mass of the Chinese residents of California are not amenable to our laws; but are governed by secret tribunals, unrecognized by law, formed by the several Chinese companies, which are recognized as legitimate authorities by the Chinese population. They levy taxes, command masses of men, intimidate interpreters and witnesses, enforce perjury, regulate trade, punish the refractory, remove witnesses beyond the reach of our courts, control liberty of action, and prevent the return of the Chinese to China without their consent. In short, they exercise a despotic sway over one-seventh of the population of California."

If these allegations are true, it is no credit to a State to allow such things to go on, and plead "our ignorance of the Chinese language," as a reason for not breaking up companies who did them. The writers speak as if the legislature, which they represented by their committee, had no voice or responsibility in the matter. When, therefore, the companies deny the charges, and assure us that they never had organized or secret tribunals to administer justice in this country, and that many misunderstandings and difficulties they have settled among themselves, in the way of arbitration, we are disposed to believe them. The Rev. Dr. Speer's account of their design, given in Chap. XIX. of his valuable work, called "China and the United States," would have shown these writers how they grew out of the necessities of the case and what has been their practical operation during the past twenty-eight years. He justly calls them "institutions which have no parallel for utility and philanthropy among the immigrants from any other nation or people to our wide shores." Since he wrote his work the wider dispersion of the immigrants and their greater knowledge of English has limited the action of the companies as it has lessened their need.

With all these sources of information open to him, it is somewhat mortifying to read the answer of Mr. Blaine to Senator Matthew's request for his proofs of the manner, degree, and extent to which the Chinese Government is responsible for the

establishment of the Six Companies for the purposes of immigration. Mr. Blaine replies: —.

"That I do not know. The secrets of the Chinese Empire are past finding out. I do not know what sort of agency they have from the government. They have some, undoubtedly, and they retain it. They are, in a certain sense, agents of the Chinese Government for the importation of this coolie population."

Mr. Sargent was equally loose in his assertions, and, like his colleague from Maine, felt that the Treaty was in the way of passing the bill before the Senate. He said: —

"The Burlingame Treaty ought to be cut up by the roots, in fact, as all these treaties should be. There is no reciprocity in them. We are allowed to enter but five ports in China. An American travelling in the interior of China has to do it upon a passport, and that is difficult to obtain. The Chinese come here by the hundred thousands, travel over this country, and do as they please. By the Chinese census only five hundred and forty-one Americans are in all China. Our citizens can only go in at certain ports and are impeded in their passage through the country."

A reply to one count in this singular charge, and this statesmanlike reason for cutting up a treaty by the roots, could have been found if he had read the Reed Treaty, where seven open ports are enumerated, and since it was signed in 1858 eleven more have been opened. The passport system was pressed upon the Chinese plenipotentiaries by foreign envoys, as the best means of protecting the natives against reckless foreigners, and the passports are all issued by their own ministers and consuls. I have myself issued many to American citizens, and they can go everywhere they please, though in many districts a lawless population makes travel sometimes dangerous to persons not knowing the language; not nearly so dangerous, however, as it used to be for Chinese travelling in California. Once more, the Chinese have never taken a census of foreigners, and why the fact (if it be one) that only five hundred and forty-one Americans are in all China is an argument for abrogating the Treaty, needs some clearer explanation.

Honorable Senators who make such random statements do more than merely weaken the arguments deduced from them in support

of their cause; and if they had inquired at the Chinese Legation in Washington they could have learned the truth. It may seem to many to be a trifling matter any way; but the reputation of this Republic for honorable dealing is not a trifling matter to those who now hear me, and this aspersion of the Chinese government recoils on ourselves if the charges cannot be sustained.

President Woolsey says, in section 18 of his "International Law:"

"The honor or reputation of a State is equally its right; and the injury done by violations of this right will seem very great when we consider the multitudes who suffer in their feelings from a national insult, and the influence of the loss of a good name upon intercourse with other States, as well as upon that self-respect which is an important element in national character."

The real reason why so much has been said about this Treaty, it seems to me, is because the opponents of the Chinese were unwilling to squarely propose a law contrary to all the declarations of the American people as to the asylum they offer to the people of other lands. But the Treaty really has had no perceptible effect on their coming. It merely quotes the inherent right of man to change his home and allegiance — as if it was properly higher than a Treaty stipulation — not so much to qualify it, as a reason for taking measures to prevent its notorious abuses in the coolie trade. The Emperor of China is as helpless to prevent his subjects leaving their native land, as Congress and President Hayes together are, to keep Americans at home. President Woolsey says: "The right of emigration is inalienable. Only self-imposed or unfulfilled obligations can restrict it." He also shows that a government is no more justified in prohibiting a subject from emigrating, than it would be in prohibiting a foreign sojourner from doing the same. It is an old right, too, for it was inserted in Magna Charta, and claimed then not only for natives, but foreign traders also; and if the Emperor of China is respectable enough among the potentates of the earth for this government to make a treaty with, why should we hesitate to grant him the rights and courtesies involved in it?

It is plain that the struggle over the Chinese question on the Pacific Coast is only another form of the labor question; and that question is not to be adjusted by the puerile policy of limiting the number of immigrants in one ship from China to 15, while 1,500

may come from Japan, Siam, or any other country. The main features of this question were illustrated by an incident which was reported when I was in San Francisco. A patriotic American employed an Irishman to saw a load of wood for a dollar, and he was soon after seen quietly smoking, as he watched a Chinaman doing the job for twenty-five cents. In this epitome of labor and capital who would blame either of the three parties; or who could restrain them with any justice; or how long would it be before the intermediary smoker became a laborer or a capitalist?

The adoption of the new constitution of California has placed this great issue between capital and labor on a new ground, by making State laws against express treaty stipulations. Politics have also been mixed up with it, for the Chinese in that State are of no value in politics; but the Irish are worth much to those who please them. It is a very high compliment to the former that they have stood such tests during the past years. What other class can show so small a proportion of inmates of the prisons, alms-houses, and other reformatory places? What other class would have submitted to such taxation? The miner's tax, the laundry tax, the fishing tax, the school tax, the immigrant's poll tax, the 500-cubic-feet-of-air-law, the queue ordinance, and that regulating the removal of coffins, are the names of various discriminating State or local acts (probably most of them now repealed), by which the Chinese have been fleeced. It was once even proposed to vaccinate every immigrant, at a charge of $30, in order to protect the State against small-pox! Mr. Bee shows that before the miner's tax was repealed in 1862, it was estimated that it had taken over $31,000,000 out of the earnings of Chinese miners, from whom it had been mostly levied. A recent decision of the United States Supreme Court has awarded $10,000 damages for cutting off the queue of a Chinese by the sheriff, in accordance with the city ordinance. In delivering his opinion in the case, Mr. Justice Field characterizes it as special legislation against a class of persons, being intended only for Chinese in San Francisco, and avowed to be so by the supervisors there, who urged its adoption and continuance as a means of inducing a Chinaman to pay his fine. He properly adds: "It is not creditable to the humanity and civilization of our people, much less to their Christianity, that an ordinance of this character was possi-

ble;" and says further: "It is legislation unworthy of a brave and manly people."

The conduct of these immigrants is, of course, to be judged by their early education and moral training in a heathen land; not absolutely, but in connection with their standards of morals and usages of society. I do not need to describe their personal habits, nor would I extenuate their moral character; their proneness to lying and gambling, or their destructive habit of opium smoking. No doubt hundreds of needy sharpers have landed with the intention of preying upon their thrifty countrymen and living by their wits; but, on the other hand, I can refer to the students now in New England to prove that some can appreciate our civilization and assimilate to our teachings. The reports of various reformatory and penal institutions in California furnish some data for a judgment. Out of 95,000 Chinese in California, 198 were in State prison in 1877, while 347 whites were there. In twelve years 711 natives of Ireland were committed, and 750 natives of China; but the adult Irish population was only 35,000, or about one-third of the other. In the Industrial School were four Chinese, among 225 others in the year 1875. In the alms-house, out of 498 inmates that year, not one Chinese, but 197 Irish; while in 1878 one Chinese was admitted, and 175 Irish. In the hospital report for 1875, out of 3,918 inmates, only 11 were Chinese and 1,308 Irish; in 1878, out of 3,007 admissions, 948 were Irish and 6 were Chinese. In the pest-house there were 22, none of them Chinese. The arrests for drunkenness in San Francisco alone for the year ending June 30th, 1878, were 6,127, not one of whom was a Chinese. Out of 4,977 deaths in the same place and time, 496 Chinese and 693 Irish are enumerated.

Yet, in face of these figures and facts, which are drawn from public documents, the following conclusions respecting the immigrants are put forth in the Address:

"The evidence demonstrates beyond cavil that nearly the entire immigration consists of the lowest orders of the Chinese people, and mainly of those having no homes or occupations on the land, but living in boats on the rivers, especially those in the vicinity of Canton. It would seem to be a necessary consequence flowing from this class of immigration that a large proportion of criminals should be found among it; and this deduction is abundantly sustained by the facts before us, for of 545 foreign criminals in our

State prison 198 are Chinese, while the jails and reformatories swarm with the lower grade of malefactors."

The singular assertion here made as to the origin of the immigrants — that most of them have no homes or occupations on land, but live in boats near Canton, accounting for their criminality by their locality — is an entire mistake. The fact and the inference are equally out of the way. It would, however, be useless to indicate all such misstatements.

The conduct and condition of these people would, I am sure, have been far worse than these figures indicate, if it had not been for the untiring efforts of Christian men and women around them. These efforts have been going on for nearly thirty years, and only those who have lived in California can appreciate the perseverance, the patience, the care, and the faithfulness shown by many unpaid teachers in Sabbath and evening schools, as well as others belonging to and conducting more regular mission work. Statistics do not convey a just idea of the results of this benevolent work, which has largely been of that preventive and reformatory nature that helps men to be better, and keeps them out of jails and saloons, to the great advantage of society. Coming directly from their native hamlets in Kwangtung across the ocean, into a city where they were the objects of insults and obloquy; unable to talk an intelligible sentence of English, even if they could read their own tongue; not a law of the land translated into it to guide them, they naturally huddled together in their own quarter for safety and society. As they left San Francisco to seek work in the country, these kind friends of whom I speak found them out, and began to teach them English, by telling them the old, old story, which never wears out. They thus became acquainted with the highest truths and the best rules for conduct, while fitting themselves for such work as they could find, by learning to talk and read English. Their teachers felt that God in his providence had brought them to our shores for some other, higher end than merely to be our Gibeonites, and well have they performed their work. While the legislators of California seem to have exhausted their wisdom in devising, from time to time, all the contrivances to tax and fine these people which could be brought to bear on them, their real friends were opening schools and meetings, and showing them wherein the true glory of this land consisted.

Every person who learned even a little of the truths of our holy

faith from these benevolent efforts would be all the more likely to prove a good member of society.

If that excellent man, Gov. Seymour, had seen these efforts to teach the Chinese, and their results of a preventive and elevating nature, he would not, I am sure, declare that there has been no assimilation, that the race is alien to our institutions, and that their presence here in small numbers is dangerous. He would have borne in mind that everything had been done to hinder their assimilation, preventing them by law from becoming citizens, and then making them ineligible to enter the schools which would fit them to be citizens, even though they paid taxes for those schools.

The record of these efforts is contained in many reports; but the best digest I have seen of their results is in Rev. Otis Gibson's recent publication issued in Cincinnati, called "Chinese in America," which I can recommend to all who are desirous to learn the truth on this subject. From this book and later sources the following figures have been gathered:

Total average attendance at evening schools for Chinese	825
Total roll-call	2,750
In Sunday-schools, average	1,100
Roll-call of Sunday-schools	3,300
Chinese baptized in United States	400
Native churches in Presbyterian Mission	2
Chinese pastors, teachers, and helpers	15

A Chinese young Men's Christian Association exists in San Francisco, with members and branches over the country. The number which has openly ceased from idolatry is not known; but must be over 5,000. The contributions from members for maintaining these efforts are daily increasing. It is perhaps not irrelevant to the general question to add that $12,000 were sent last year by the Chinese on that coast to relieve the sufferers from yellow fever in the Southern States.

Into the difficult subject of wages I will not enter. So far as I can learn, the unskilled Chinese laborer gets as much on the Pacific coast as his compeer gets on this side for the same work, and the prices of food and clothing there are less. In their cry against Chinese labor the workingmen in California unconsciously put themselves below their competitors in the race of endurance, skill, and value in the battle of progress; while all the advantages of position, power, language, machinery, and priority are on their side. Charges are made that this influx brings with it a flood of

vice; but where can we find the laboring community in all that region which has been heathenized by their contact with the Chinese! Have the Mormons or the Irish been made any worse or different from the presence of these people?

Even the recent Congressional Committee, under Mr. Wright's chairmanship, in its visit to California, where it spent four days, found that the labor question was the prominent one connected with this subject. Farmers, tradesmen, mechanics, pedlers, miners, and workmen, all agreed that they could not hold their own against the Chinaman; and, without intending anything of the sort, they bore the strongest testimony in favor of the skill, business capacity, industry, patience, endurance, and frugality of the Chinese.

In fact, it is with their good qualities that most fault seems to be found. Whether these good qualities are so undesirable that immigrants possessing them ought to be excluded from the country is a question not for Congress and the Government alone, which so recently brought us to the doing of a national wrong, but for the common-sense and equity of the people at large. These qualities, therefore, should have their due prominence in our estimate of the bearings of the immigration.

If they find no demand for their labor, no remuneration for their outlay, they will not come. They are not held at home as serfs by feudal barons or great landholders; they are not oppressed there, nor compelled to work in mines, factories, or penitentiaries; they are in no particular danger of starving, from which and other evils they hope to escape by running away to America. China suffers much from the evils of ignorance, poverty, idolatry, licentiousness, cruelty, and unjust administration of laws, and I would not keep back any of their vices. Those now here have, on the whole, I believe, found no reason to regret their venture. In the ease with which they go and come lies one of the benefits they are to derive from mingling with us; and also one of the strong reasons for believing that the immigration will never become an invasion.

I prefer to see the hand of God in the way in which the millions of China and Japan are being gradually brought out of their long seclusion and ignorance into a knowledge of and participation of the benefits existing in Christian lands. Those two kingdoms and our own land cannot keep apart, and our intercourse will prove mutually beneficial, if we only treat their people in the same manner as we ask them to treat us. Mutual wants will beget the desires

and means of growing exchanges, and, as we stand now in good relations, we have it in our power to do them lasting benefits.

The laws of California declare that the Chinese are Indians and aliens, and her legislators have treated them as if they had no rights which we were bound to respect. As I believe that the most complete way to settle our chronic difficulties with the Indians is no longer to regard them as aliens and treat them as wards or children, but in every legitimate way to induce and help them to become fit for citizens, so I would set this goal before the Chinese. As soon as they have an adequate knowledge of English and a certain amount of property, give them citizenship, if they desire it. An alien race is properly declared to be dangerous to the State, and the only way to remove or neutralize the danger, therefore, is by making such residents eligible for citizenship. The right to become citizens will stimulate great numbers of the Chinese to fit themselves for it, and there are now about two thousand of them born in this land who ought not and cannot justly be debarred.

I close this paper by a quotation abridged from Senator Morton's views, written after he had returned from California. It expresses the deliberate opinion of a competent observer on this point:

"The limitation of the right to become naturalized to white persons was placed in the law when slavery was a controlling influence in our Government, was maintained by the power of that institution, and is now retained by the lingering prejudices growing out of it. After having abolished slavery and established equal political rights, without regard to race or color, it would be inconsistent and unsound policy to renew and reassert the prejudices against race by excluding the people of Asia from our shores. It would be to establish a new governmental policy upon the basis of color and a different form of civilization. In California the antipathy to the Mongolian race, though differing in its reasons and circumstances of its exhibition, belong still to the class of antipathies springing from race and religion. As Americans, standing upon the great doctrines of our polity, and seeking to educate the masses into their belief, and extending equal rights and protection to all races and conditions, we cannot now safely take a new departure, which in another form shall resurrect the odious distinctions which brought upon us a civil war. If the Chinese were white people, though in all other respects what they are, I do not believe that the complaints and warfare made against them

would have existed to any great extent. As the law stands, they cannot be naturalized, and I do not know that any proposition has been made to change it. The question is, whether they shall be permitted to come here to work or trade, to acquire property or to follow any pursuit. I think they cannot be protected in the Pacific States while remaining in their alien condition. Without representation in the legislature or Congress, without a voice in the selection of officers, surrounded by fierce and in many respects unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage. Then their votes would become important and their persecutors in great part converted into kindly solicitors. In considering any proposition to prohibit Chinese immigration, we have to remember that they come entirely from the British port of Hong-kong. Our refusal to permit a Chinaman to land, who had embarked at a British port upon a British vessel, would be a question with the British Government, and not the Chinese. The fact that he was a Chinaman, who had never sworn allegiance to that Government, would not change the question."

His short sojourn in California did not afford Senator Morton opportunity to study all the points in the Chinese question, and the underlying one of difference of language is quite left out in this view. Time alone can remove much of the trouble by raising up Chinese who can easily teach their countrymen English enough to get along, as they teach them other things. The question which asks for solution now is: How can we remove the present irritation? Considering how the Chinese have been treated, it is creditable to them that they have given so little provocation or resistance to law, The facts prove that they have been a benefit to the Pacific States, with all the drawbacks alleged against their presence. I can see no more effectual way to remove strife than to remove legal disabilities, treat them as we do other immigrants, and defend them, if need be, in the possession of rights guaranteed them by treaty.

THE UNITED STATES AND THE DECLARATION OF PARIS.

READ BY PROF. THEODORE S. WOOLSEY, OF NEW HAVEN.

(September 11, 1879.)

One result of the almost unbroken peace abroad, from the Congress of Vienna to the Crimean War, was the growth of a milder practice in warfare. Great Britain, indeed, did not formally relax the severe rules of naval capture, which the wars with Napoleon had left behind them. On the contrary, by degrees, either by positive agreement or by the lapse of old treaties, she freed herself from every former pledge to spare enemy's property in neutral bottoms. But the tendency of the age was against her, and the joint Declaration of France and England, the leading maritime belligerents at the outset of the Crimean War, shows the change since the beginning of the century. Probably the difference between French and English usage was the chief cause of this Declaration. At that time there were two theories governing a belligerent right of capture. The one professed by England, and which prevailed generally, made the *nationality* of *goods* determine their liability to capture. By this, enemies' goods were safe nowhere. The other theory held that the nationality of the ship, carrying the goods, was the fact which determined their liability to capture. Thus, enemies' goods were safe in neutral ships, but all, even innocent, neutral goods, carried in enemies' ships, were good prize. This was the rule of France. When the States governed by these two rules became allies, their ships, working in concert, would have an extensive right of capture. Neutral goods in neutral ships would be safe from them, but property under all other circumstances (that of the neutral in enemy ships, and that of the enemy everywhere,) would lie at their mercy.

To prevent such an abuse of belligerent rights, Her Britannic Majesty issued a Declaration in 1854, to this effect: Expressly waiving a part of her rights of capture, and in order to render the war as little onerous as possible to the powers remaining at peace, she gave up "the right of seizing enemies' property laden on board a neutral vessel unless it be contraband of war." Neither did Her Majesty intend to confiscate neutral property, *not contraband*, on board an enemy's vessel; and further avowed that it was not her *present intention* to issue letters of marque to privateers. In this

Declaration the allies joined, and these rules governed their captures throughout the war. This war, the least bitter, the most humane, perhaps, of any in our time, was followed by a most remarkable concord of nations, called and carried on in the very spirit of the war. This was the Congress of Paris of 1856. After settling the Eastern question in all its branches, the navigation of the Straits, the naval establishment on the Black Sea, the fortification of the Isles of Aland, the Signataries, on the motion of Count Walewski, one of the French Plenipotentiaries, and with the ready assent of Lord Clarendon, agreed upon a Declaration respecting maritime law which fairly marks the culmination of the progressive thought of the time:

"Considering that maritime law, in time of war, has long been the subject of deplorable disputes; that the uncertainty of the law and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents, which may occasion serious difficulties and even conflicts; that it is consequently advantageous to establish a uniform doctrine on so important a point; and that the Plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their Governments are animated, than by seeking to introduce, into International relations, fixed principles in this respect; the above-mentioned Plenipotentiaries, being duly authorized, have adopted the following solemn Declaration:

1. Privateering is and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
4. Blockades in order to be binding must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

. . . . . .

The present Declaration is not and shall not be binding except between those Powers who have acceded or shall accede to it."

This was signed April 16, 1856, by the Plenipotentiaries of Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey, while other States were invited to join in it. This offer was declined by Mexico, Spain and the United States, alone. To

prove, if possible, the expediency of such accession on the part of the United States, and to urge its present necessity, is the object of this paper.

The reasons for our refusal are very well known, and have at least the appearance of being well founded. Mr. Marcy, then Secretary of State, withheld our unqualified assent to the Declaration, on the ground that it was contrary to the policy of the United States to maintain a large navy in time of peace, and that in consequence, the right to commission privateers to eke out their navy, was one which they could not safely give up so long as private property on the sea remained liable to capture. But if the Declaration were so amended that the abolition of privateering and the freedom from capture of all innocent private property at sea, even an enemy's, could go hand in hand, the United States would gladly accede to its other articles. Owing to the strong opposition of England, always a stickler for belligerent rights, this Marcy amendment was rejected.

At the breaking out of the civil war then we retained the right to commission privateers. We retained also, if no treaty forbade, the right to seize enemy's goods on neutral ships. And conversely exactly the same rights belonged to our enemies, no matter whether subscribers to the Declaration of Paris or not, for by its terms and by the very nature of the case, that Declaration was to bind those powers which acceded to it alone. Accordingly, early in the war, President Davis, refusing the unofficial request of Great Britain to be governed by the principles of the Declaration of Paris, offered letters of marque against Northern commerce to any one who would take them. Soon after this proclamation, as if fearing its consequences, Mr. Seward offered to accede to the Declaration without insisting upon the Marcy amendment. France and Great Britain acted together in considering this offer. They agreed to accept it, with the understanding that the rights gained by it should not apply to the state of things already existing; should be prospective merely. Their action was thus explained. The belligerency of the Confederate States had been already recognized, and along with it their right to commission privateers or to adopt any other war measure not forbidden by law. No subsequent treaty with an enemy of the Confederate States, therefore, could modify these rights. Upon this matter they wished to have a clear understanding at the outset, lest Mr. Seward should try to

extend the effect of the Declaration to the South in the war then waging; should consider the Confederacy as merely a rebellious part of the United States, not as a recognized belligerent. The result of their action showed its propriety. As his object in joining in the Declaration had been to prevent the issuing and taking of Confederate commissions, after this rebuff, Seward withdrew his offer.

As a matter of fact, European governments had so generally forbidden their subjects to serve in privateers against a friendly State that the right to issue letters of marque was of small value to the Confederacy. But at that time the right of one government to call upon another for the enforcement of its municipal neutrality laws, was not so clear as it is now. We had no definite universal compact to fall back upon to prevent scores of privateers of various nationalities from arming against our commerce. In ignorance of the treatment which we should meet with abroad, uneasiness was natural. Had we joined in the Declaration before the war we should have had no such uneasiness. Not a finger could have been legally stirred against us. This attempt of Mr. Seward's closes the actual history of the matter. Since then the subject has rested.

Now, in considering the attitude of the United States towards the Declaration of Paris, involving the subjects of privateering, of neutral trade, of belligerent capture, and of the blockade, I ask first, what has been our prevailing tendency in regard to privateering? Was Mr. Marcy's opposition to its abolition, in accordance with a policy of long standing? Here I notice the distinction, not to be overlooked, between the decisions and usage of our Courts, governed largely by English precedents, and the tendency of the Government as seen in its treaties, and diplomatic correspondence. The one represents our law, the other our policy. While the Courts have always maintained our *right* to commission privateers, the Government itself has often denied the expediency of such an act. Thus, as early as 1785, in the treaty with Prussia negotiated by Franklin, the United States had agreed to grant no letters of marque. This article, however, was not renewed with the body of the treaty in 1799. Between 1823 and 1830, the Government tried to abolish privateering by treaties with France, Great Britain and Russia, but without success. While these States were inclined to listen to a general agreement respecting privateering, they were not willing to enter into private arrangements with any one State.

However, in all these proposals, the absolute freedom from capture of private non-contraband property on the sea, was so confused with the abolition of privateering, that the latter had not a fair hearing. Then came a change in policy, and privateering was found necessary to supplement our small navy. Nevertheless, in our treaties of amity and commerce, articles were still inserted, forbidding our citizens to accept commissions or to cruise against the other signatary. Similar agreements had been made in the early years of the Republic. They had been continued up to the time of the Congress of Paris; with Ecuador, for instance, in 1839; with Columbia, in 1846; with San Salvador, in 1850. And, after the rejection of the Marcy amendment, the same policy was pursued, in the treaty with Bolivia of 1858, and with Hayti in 1864. In addition to such treaties, it was made a penal offence, for a citizen of the United States to accept a commission or to cruise against any State with which we were at peace.* These treaties and laws do not commit the United States against having recourse to privateering, but they do show a prevailing tendency to limit if not to abolish it, and a belief that it cannot be permitted our citizens, consistently with a strict neutrality. We cling to the possible benefits of privateering, while trying to avoid its acknowledged evils.

Now, when the moment has come for proving this cherished privilege, as a matter of fact, it has not been found necessary. During the Mexican war no letters of marque were issued, although Mexico granted them against us. And in our civil war, although Congress authorized the President to commission privateers, this power was never made use of. This does not necessarily show that privateering would never be of use to the United States in conflict with a first-rate maritime power. But it does show that for half a century we have not needed it, and that such wars as we are likely to find upon our hands will be with States against which we shall not need it. One may then fairly say as much as this, that for sixty years it has not been the practice of the United States to issue letters of marque, or to allow their citizens to take them from other States. Why, then, did not the Declaration of Paris as it stood, find favor with the administration? We examine it to see if any of the other articles were repugnant to the usage and sense of the country. But Mr. Marcy himself wrote, in reply to

* Dana's Wheaton, Editor's note 215.

the invitation to accede to the treaty, that of the three other stipulations, the last, abolishing paper blockades, was already a part of International law, while the second and third, that free ships make free goods, and neutral goods are free on enemy ships, were received by the United States. In fact, at that very time he was negotiating with separate States for the adoption by treaty of these identical rules. He must have felt, then, that although articles two and three were advantageous to this country, they were *not valuable enough* to induce the adoption of article one.

What is there in the right to commission privateers in itself considered, which is so valuable to a State? I remark in the first place, that privateers are of no real importance in opposing the men-of-war of an enemy. They are too weak, too feebly manned, too lightly armed, to meet a ship-of-war on equal terms; moreover, in spite of head money, and bounties, it is not worth their while to do so. That was not the object of their commissioning. They are private commercial speculations, expected to earn large interest on the cost of their outfit, by making prize of enemies' ships and enemies' goods. The incidental importance of this to the State which commissions them, is its sole object in their creation. If this was true early in the century, it is doubly true to-day, since now the disparity between war ships and trading ships is greater than ever before. The privateer, then, does and can do only a part of the work of a man-of-war — the plundering part, not the fighting — and it is the value of this alone, that we are to estimate. More than this. If one of two belligerents may use privateers, so may, and probably will, the other. So that it is the relative importance of the right which must be estimated, its excess of value to the State in question, after deducting the harm done by the enemy's privateers. Thus limited, I ask what is the relative importance of plundering its enemy's goods, by means of privateers, to a belligerent State? Such a State may be at war with (1) States having a navy superior to its own; (2) with States having one which is its inferior. In the first place I frankly admit that the right to grant letters of marque is of some, perhaps of considerable, value. It would not, indeed, enable a State to protect its own commerce, but would destroy that of its enemy, except as it might be protected by his war ships. It would thus weaken that enemy's power of resistance, and draw part of his navy from its offensive work, to convoy his own shipping. It would assist, also, in patrolling the

seas, and in capturing contraband goods, and goods destined for a blockaded port. So much, and no more, might privateering accomplish. But in the second case, the tables would be turned. Then the inferior powers would gain exactly the same from the use of privateers against our State, now the superior naval power, that it had gained before. Apply this to the United States. What is the capacity of our navy as compared with those of other nations? And by capacity I mean its ability to do the work which might otherwise be done by privateers; for this, and not its fighting power, is the basis of comparison for our purposes, since it is clear that that State can best exist without privateers, whose navy is already best able to do privateers' work. Thus we must leave the iron-clads almost out of the question. They are too clumsy, too unseaworthy, too costly, and therefore too few, to do blockade duty, to cruise, to prey upon commerce, to search for and seize contraband. It may even be doubted whether, for *fighting purposes*, naval architecture is not being reduced *ad absurdum*. For the means of offence the ram, the torpedo, the projectile, have increased so much faster than the means of defence, to say nothing of the danger from weather on one another's clumsiness, that the risk and cost of modern naval establishments are fast growing too great for most States. Leaving the iron-clads aside, as compared with other nations, we are a formidable naval power. The civil war proved this. With but few ships in commission at the outset, in two years more than five hundred vessels-of-war were added to our navy. The capacity of the country thus to construct, convert, and man ships-of-war, was found to be very great. And these hastily armed ships were used for blockading, for cruising, for searching out and seizing contraband. We needed no privateers; our regular navy did a privateersman's work.

Our navy to-day, in armament, ranks third among nations.* Russia has more ships but mounts less than half our number of guns. France and England alone are our superiors. And the French navy is more than half made up of transports, dispatch boats, torpedo boats and sailing ships. Taking our navy on its present footing, together with its capacity for rapid increase without recourse to privateers, can any one doubt that it is second to that of Great Britain alone? at least for the purposes I have mentioned, for the objects which other States might attain through privateers?

* Almanach de Gotha for 1879.

To us, then, privateering would be of benefit in a war with Great Britain alone; in all other wars it would help our opponents more than ourselves because we should have more to lose. *Our* shipping would suffer; *our* fleet be withdrawn from its offensive work; the enemy's power to harm us be alone increased proportionately. But if we become belligerents, the chances are immensely in favor of our finding an enemy in some other State than Great Britain.

Therefore, from a belligerent standpoint alone, the general right to issue letters of marque would injure the United States more than it would benefit them. Privateering is the resource of the weaker party. It is not our policy to retain it.

But this conclusion, though I believe it to be sound, is not essential to our main argument. We can concede the value of the practice, though value to us it has little, and yet find an overwhelming equivalent for its abolition in the second and third articles of the Declaration. We need but glance at our history, at our treaties, at our geographical position and our political relations to see that our policy has been, and I think will be, to remain neutral in the conflicts of foreign powers. Neutral rights are more important to us by far than belligerent rights. Since the republic was founded the almost constant tendency of our diplomacy has been to limit the rights of a warring State. A good example of this is the Marcy amendment, which would have entirely taken away a belligerent's right to capture his enemy's innocent property. This would have made non-contraband trade between either belligerent and neutrals, whatever the nationality of the ship, almost as free as in time of peace.

Now the second and third articles of the declaration of Paris were an immense step forward in favor of the neutral. They exempt from capture the neutral's property on board enemy's ships, and allow him notwithstanding, what he most wants, to carry in safety enemy's property on his own ships. The carrying trade of both belligerents will thus naturally seek the neutral's flag, very greatly to his temporary, perhaps to his permanent, advantage. Look at the growth of our shipping tonnage at the beginning of the century, though we had but a small part of the privilege of sheltering enemy's goods, which these two articles would give us. When our neutral rights were respected there was an increase of forty, fifty, even ninety thousand tons in a single

year. Or more recently, the growth of English shipping at our expense during the civil war. Since Washington sounded the keynote of our neutral policy, all our statesmen have recognized its value, its necessity to us. In no less than twenty-one treaties, up to 1856, had the United States stipulated for this same second article, sometimes with, generally without, the corresponding formula, "enemy ships make enemy goods." In one alone, with England, did they fail to change the war right of capturing enemy's goods wherever found. Could anything show the neutral policy of our government and the accordance of this rule *with* a neutral policy more clearly than this? Mr. Marcy himself admitted this, for, as I have said, at the time of the Declaration, he was trying to have these very same second and third articles adopted by the great maritime powers by treaty; was trying to secure as part of the received law of nations, what then rested solely upon individual agreement. Is it not strange, then, that because these powers took up the matter in their own way, attaching a condition which really made the Declaration more valuable to us, Marcy would have nothing to do with it, at least unless they took a great stride farther. He would have the whole loaf or none. Was it not the height of folly not to take what he wanted because he could not get *all* that he wanted?

Now what do we expose ourselves to in consequence of Marcy's action? If Russia and England should go to war, for instance, what are our rights as neutrals interested in the carrying trade? We are not parties to the Declaration of Paris. The effect of that Declaration was to be common to its signataries only. A neutral party to it, finding that innocent enemy's property was being seized on his ships, could appeal to this contract and get redress. But we, having gained no such right to shelter a belligerent's goods on our ships, must abide by the rules of International Law, unmodified by treaty. Thus, in case no other treaty prevented, and in fact no treaty does prevent, Russian property could be taken by English cruisers out of our ships. Knowing this, Russian merchants would freight their goods on the ships of some other nation, say Holland or Sweden, which *was* a party to the Declaration. We should thus lose the legitimate advantages which the position of a neutral carrier gives him in war. We should not be on a par with other neutrals in the inducements which we could offer, to attract belligerent trade. Or if England and France were at war. Since

France, until 1856, seized neutral goods on enemy's ships, and no treaty forbids the exercise of this right against us, all our goods on English ships, in other words a very large share of all American merchandise afloat, would be subject to her belligerent right of capture. We should run the risk of losing every bale of goods shipped by a Cunard steamer, every cargo of grain in a British bottom. At the same time Great Britain might apply *her* theory of capture, so that our ships could not shelter French goods. Thus goods and trade alike would suffer. We should be bruised between the upper and the nether millstone. And any relaxation of such harshness would be a matter of courtesy, not of right. One might multiply such possibilities. It is enough to show that the inability to claim the benefit of these two articles may greatly injure us; that the policy of the country has always admitted their importance; and that by a failure to unite in the Declaration we cannot share in its benefits. More than this, our action injures even those States which *did* accede to the Declaration, as well as ourselves. For a belligerent cannot safely avail himself of the convenience and the competition of our ships. As far as we are concerned, his rights under the article "free ships make free goods" are denied him.

It is probable, too, that the refusal of Mexico and Spain to join in the Declaration, is to be explained by ours. They approved of all its articles except the first. But being neighbors of ours in Mexico and Cuba, they could not afford to give up privateering if we retained it. Almost without fail, if our threat of resorting to privateering were dropped, their accession to the whole Declaration would follow; while as matters stand, in any quarrel with them a swarm of privateers may be sent out to play the Alabama with the remnant of our commerce.

I have said nothing, it will be noticed, of the demoralizing influence which privateering must, by its very nature, have upon those who follow it. On moral grounds, as well, it might be argued that the practice is not expedient. But I have appealed solely to the self-interest of the State. I have tried to show that the surrender of the right to issue letters of marque will really benefit our shipping trade, and *yet* that in return for such surrender we should gain privileges as neutral carriers, whose value can hardly be overestimated.

It may be said that already Great Britain is dissatisfied with her bargain, and is trying to get out of it. It is true that the question

of withdrawing from the Declaration of Paris has twice been raised in the House of Commons. It has twice been defeated by a very large majority. A Maritime Rights League has even been formed with this same object in view. This proves merely that a few alarmists are making themselves heard, fancying that they see, in the growing freedom of neutral trade, the downfall of England's naval power and political importance. They deceive themselves with vain hopes. For England, the abolition of privateering is a weightier equivalent for the free goods clause, than for any other State. Nor do they value rightly her neutral, as compared with her belligerent rights. Her neutral power to shield belligerent trade did more for her during our Civil War, than her belligerent rights have done for sixty years past. But however England may act, overvaluing her belligerent rights, she is no law to us. We are *not* belligerents; we *are* neutrals, and therefore need the rights granted to neutrals by the Declaration of Paris.

If we can get more, that too will be welcome. Let me not be understood as objecting to the Marcy amendment in itself. To secure a State effectually from the evils of privateering it is necessary. For of late years, along with the iron-clads, there have been other ships commissioned, light-armed, fast-sailing, like the Alabama; like some of our own cruisers during the Rebellion; like the volunteer navy called for by the King of Prussia in 1870. These, in equipment and in their object, privateers, are nevertheless bought and officered by their Government, and put into commission as ships of war. They serve all the purposes of privateers without having their name. This may fortify our conclusion that we can safely give up privateering. Using such ships as these, we can plunder just as effectively as with privateers, and yet be well rewarded for not employing the latter by increased privileges as neutral carriers. But if all private property on the sea be exempt from capture, there is no longer a reason for the existence of these nondescripts.

Perhaps it may seem at first thought as if neutrals would lose rather than gain by the Marcy amendment. Since enemy's trade could go on safely in the old channels, neutrals would not get hold of it in war time. But, I think, a wider view will assure one that it is worth far more to the neutral to have his ordinary course of trade uninterrupted by war, to make his contracts with the certainty of their continuance, than to gain temporarily trade which may

soon desert him again, and throw his commerce into confusion. The Marcy amendment is the next step in the neutral programme. But the time for it does not seem to have yet come. In our treaty with Italy, in 1871, entire freedom of innocent belligerent trade was included. Perhaps other treaties may follow. That does not affect our main theme. Once resting upon the Declaration of Paris, we are in better position to take the next stride. It is exhausting to take two long steps in one.

Let me recapitulate for a moment. The question is, Do the United States act wisely in refusing to accede to the Declaration of Paris? I have tried to show

(1) That all the principles of that Declaration were in accord with the spirit and policy of our Government.

(2) That the abolition of privateering — which was our stumbling block — is really more of a benefit to us than an injury.

(3) That the neutral privileges which we should gain in return for the abolition of privateering are of the utmost importance, and that without them we cannot compete with other neutral States for belligerent carrying trade.

(4) That although nominally giving up the right to commission privateers, getting for it privileges worth infinitely more, we can yet practically retain any advantage which privateering may have by commissioning war ships to plunder.

(5) That Spain and Mexico, if we united in the Declaration, would probably follow our example, and thus its rules being common to all civilized States by treaty, would be incorporated into the law of nations.

If we *did* make a blunder then, in 1856, let us repair it without delay. When a new war breaks out it may be too late. Let us not repeat the fiasco of 1861. Let us not permit our right to share in this possibility of great good remain longer in doubt. Every motive urges our immediate accession. Interest and right unite. Let our legislators satisfy themselves that it is our interest, that it is our duty to take this step, and then through the proper diplomatic channels persuade Spain and Mexico to go with us *pari passu* and make a triple Declaration upon the altar of neutral rights.

RECENT CHANGES IN OUR STATE CONSTITUTIONS.

READ BY PROFESSOR SIMEON E. BALDWIN, OF YALE COLLEGE.

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The earlier Constitutions of our American States were generally quite similar in character. Their aim was to express the fundamental principles of civil liberty in language so explicit that no public officer could ever pretend to misunderstand them, and to distribute all, rather than to withhold any of the powers of government. The department most trusted was the legislative, and the main declarations of rights were meant to guard against any abuse of power by the executive and the judiciary. Nor may we forget that civil liberty in 1776 did not mean what we understand by it to-day. The prevailing lines of thought were aristocratic. Few denied the right to hold men in slavery; fewer still supposed it to be either right or politic that every American citizen should have a vote.

The civil war struck slavery out of American government; and the tendency, which had been strengthening for half a century, to make suffrage universal, was forced upon the country, irresistibly, by the fourteenth and fifteenth amendments to the Constitution of the United States. But the war did more. It created a new order of ideas in the business world. The thousand new activities and enterprises that a few years then whirled into life; the sudden rise of great fortunes; the necessary concentration of vast capitals, public and private; the elevation of speculators and adventurers of every sort to the command of millions of money, massed together in the service of corporations; and, with all, that kind of dizzy glare and false coloring by which social ideas are always confused and distorted, when a land accustomed to laws is given over to the rule of arms: — all these brought new men and new dangers to the front. Statutes struggled against them in vain; and the people soon saw that nothing less than changes in their civil constitutions could meet the evil. They have been made, and it is to the character and aim of these that I ask your attention this afternoon.

During the last fifteen years thirty-seven new Constitutions have been adopted in our American States; but in many instances more than one of these belong to the same State. This was the work of

the politics of the war. During its progress some of the seceding States, when wholly or partly reoccupied by the national forces, formed temporary Constitutions to meet the exigencies of the times. On the restoration of peace and the adoption of the reconstruction policy, which forced negro suffrage upon the South, other frames of government were required by the party in power, and were wrung from the people as the price of representation in Congress. But, this representation once obtained, several of these States felt that they had fettered themselves too closely, and copied with unnecessary fidelity their Northern models. These, therefore, have abrogated their "Reconstruction" Constitutions, and formed others, better suited to their tastes — perhaps to their institutions.

In this way Alabama, Arkansas, Georgia, and Texas have, each, during this period, lived under four different forms of government; and most of the other Southern States, under three. Each of these changing Constitutions, however, has naturally had a considerable influence in shaping its successor. North Carolina, for instance, began the Preamble to her Reconstruction Constitution of 1868 thus:

"We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political, and religious liberties;" and went on to declare "That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation; that there is no right on the part of the State to secede." Three years ago (1876) she adopted a new Constitution, but the Preamble and the Declaration of Rights follow to the letter the language which I have read, dictated, as it was, under circumstances so different.

But it is not of our State Constitutions, in their immediate relation to the war, or to the negro race, that I wish to speak. I would rather occupy the hour in considering those social forces, which, detached from politics, as we generally use that term, have stamped themselves of late, in so many directions, on American law.

I have said that, in our earlier history, the legislative department was that in which the people put most trust. It was of the people, that our Colonial Assemblies were composed; though their Governors and Judges might be appointed by the Crown, or raised to office and kept there by the influence of wealth, family, or educa-

tion — all greater powers by far in American politics, a hundred years ago, than now. And it was the inroads of the British Ministry upon the peculiar privileges of these Assemblies, I need not say, that brought about the Revolution.

But this generous trust, reposed by our early Constitutions, in the State legislatures, was abused. The watch kept over them, in colonial days, by royal Governors, Boards of Trade, and proprietary interests, was withdrawn, and the jealousy which overthrew them, had supplied nothing adequate to fill their place. Reckless mismanagement of the public finances, particularly in the West and Southwest, soon followed — mismanagement of which the consequences were often not developed for many years. State Banks were chartered, and their bills made receivable for taxes. State bonds were issued, and the proceeds sunk in public works, yielding no return. Special privileges were granted to the friends of the leaders of the party in power: trading monopolies; exemptions from taxation; power to corporate organizations to contract on a mere semblance of capital; statutes designed — under the guise of some general object — to affect a particular law suit, pending in court. Appointments to office became more and more engrossed by the legislature, and offices themselves were needlessly multiplied. Municipal corporations were given unnecessary powers of expenditure, and encouraged to lend their credit to canal or railroad enterprises, which were only called for by a spirit of speculation. It seemed as if almost any legislation had only to be asked, to be granted.

A day of reckoning came. The disasters culminating in the panic of 1837 gave a shock to American credit abroad, from which it has never yet fully recovered, but were not enough to wake our own people to a sense of their real danger. It took another panic, twenty years later, and, more than this, the reaction since the civil war, to show us where that danger lay — that it was in the very ark of the covenant; that those we had most trusted were to be trusted the least.

And now has come a new order of things. In the constitutions and constitutional amendments soberly framed, during the last decade, we see a wide departure from the theories of government so long and so unquestioningly accepted among us. The powers of the Executive are enlarged; he is given the power to pardon crimes, which was before entrusted to the sympathies of a mass-

meeting (for a legislative assembly, put to this use, deserves no better name). He is allowed to veto one or more items in an appropriation bill, and yet allow the rest to become a law. He is given the appointing power as to important offices, and is, perhaps, himself elected for two or four years instead of one. The terms of office of the Judges have been lengthened; their jurisdiction extended, perhaps to pardons, perhaps to claims against the State, or to advising as to the validity of contemplated legislation; and any claim of judicial power by the legislature, as, for instance, over divorces, or contested elections, or testamentary succession, cut off.

But while in general the judiciary has been strengthened, there has been no hesitation in checking its authority wherever it seemed to have borne too hardly on the liberty of the individual. Thus a disposition is shown to limit the power of attachment for contempt; and Louisiana (1879) provides in favor of witnesses, for the protection of "confidential communications made to medical men by their patients." The ancient provision in our original Constitutions, that justice shall be administered "without sale, denial, or delay," has been found, in some States, to need a practical exposition of its meaning. In Georgia (1877) the Supreme Court is required to dispose of every case by the second term, and if the plaintiff in error be not prepared for argument at the first term ("unless prevented by Providential cause"), the judgment below is to stand affirmed. California (1879) requires from her judges every quarter, before their salaries can be paid, an affidavit that no case which has been submitted to them for over ninety days remains undecided.

Inroads upon the jury system have commenced. Colorado (1876) gives power to the legislature to abolish grand juries and to reduce the panel, in civil causes, to any number less than twelve. Texas (1876) diminishes the grand jury to twelve, of which nine are a quorum; and allows nine jurors in civil causes, and in prosecutions for misdemeanors, to return a verdict. California (1879) also allows verdicts of nine jurors in civil causes. Georgia (1877) refuses a jury trial "in all civil cases founded on unconditional contracts in writing, where an issuable defence is not filed, under oath or affirmation;" requires two verdicts from different juries, on two successive trials, as the condition of a divorce; and allows juries of five in the minor courts. North Carolina (1876), though repeating her declaration of a hundred years before, in her original

constitution, that "In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable," proceeds to declare that "The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished." Precisely how the right of trial by jury is to be always determined, under these circumstances, it is not easy to say, and will become less so, as the lapse of time obscures the recollection of the formal procedure, under the common law. All these changes, however, are clear indications of greater trust in the wisdom and discretion of the judiciary.

But the legislative department has been the subject of universal attack. The great design of most that has been done by us in constitution-making for the past ten or twenty years, has been to reduce the field of statute law, and withhold from it every subject which it is not necessary to concede. Special legislation, as to any matters which a general law can fairly and reasonably cover, is prohibited. The Pennsylvania constitution of 1873 may be taken as a type of most of the newer ones in this regard. It specifies about thirty classes of subjects, as to which it forbids the passage of any "local or special law." Among them we find—regulating the affairs of municipalities, or chartering any particular one; changing the descent of property; regulating judicial proceedings; remitting penalties; exempting from taxation; regulating labor; or chartering private corporations. And when local or special laws are necessary, the parties applying for them must give public notice, first, to all adversely interested.

Another provision now commonly found is, that "no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth." This strikes at the root of what few can have failed to observe to be a very dangerous kind of favoritism. Where a legislature appoints to office, it seldom fails to have among its own members applicants for every place, and a natural feeling of fellowship speaks powerfully in their favor. It is hard, also, to deny your vote to a man whose vote *you* may want for some measure the next day. In this way, where the legislature appoints the judiciary, men from among its own members will often go upon the bench, who would never have been thought of for the position, had they been in private life. Fourteen States originally

gave the appointment of the judges to the legislature. All but four of these (Connecticut, Rhode Island, South Carolina and Virginia,) have become satisfied that this method is a dangerous one, and have discarded it; and a Constitutional Amendment to the same effect, emanating from the State Bar Association of Connecticut, has been approved by its General Assembly, and is now pending for ratification.

Where to place the power thus taken from the legislature, has proved one of the most puzzling questions in American politics; but the general drift has been towards popular elections. Twenty-four States now follow this mode, only eleven of which originally adopted it. Thirteen States, at first, gave the appointing power to the Governor, either alone or with the concurrence of a council or other advisory body; nine States, only, now vest it in this manner. A Constitutional Amendment proposed by the New York Legislature, in 1873, to return to this plan — the original mode in that State — was defeated by a popular vote of nearly three to one. The feeling seems to be — not that the people can choose more wisely than the legislature, but that they will choose more honestly. A few years ago, a letter was incautiously dropped in the street, in the capital of a New England State, which had been sent by one member of the General Assembly to another. The person addressed was an active friend of a certain candidate for judicial honors, and the writer was desirous of the place of State Prison Director. Without any circumlocution, he wrote: "If you will support me for State Prison Director, I will vote for your man for Judge of the Superior Court." Such bargains ought to be, not merely disgraceful, but impossible.

It is easier to circumscribe the appointing than the removing power. An amendment to the New Hampshire Constitution, prohibiting any removal from office for political reasons only, was sanctioned by the legislature but defeated before the people, in 1877, receiving a little less than the two-thirds vote required for its ratification. An ingenious attempt to wrest from the legislature a constitutional right of appointment to office was made in Nebraska, in 1875. It will be remembered that by the United States Constitution, Senators must be chosen by the legislatures in the several States. Nebraska, when framing her Constitution, submitted to the people, as a separate Article, a proposition that a law might be made that, at the State election next preceding the expiration

of the term of any United States Senator, "the electors may, by ballot, express their preference for some person for the office of United States Senator." Such a vote would, of course, be a nomination which no party could venture to disregard.

Changes have been found necessary in the mode of transacting legislative business. The right to call for the yeas and nays has been extended. In Pennsylvania they can be demanded by any two members in either House. Great trouble has arisen in past years from the passage of bills which have been so altered by insidious amendments, after leaving the committee, as to destroy their original purpose: — perhaps to accomplish the contrary, while the title might remain unchanged, and — like false colors, serve only to mislead. This has been met by provisions that no bill shall be so altered, on its passage, as to change its purpose; nor voted upon until printed as amended; nor unless read, at length, three times on as many different days; and that the vote on every amendment, and on the bill itself, must be taken by yeas and nays, and the result show a majority of all the members of each House, present and absent, in its favor; also that no bill, except general appropriation bills, shall contain more than one subject, which shall be clearly expressed in its title. The vote upon every measure must, of course, largely be governed by the statements of the chairman of the committee, or other member, having it in charge. But it seems to have been found prudent to trust to what he says, no more than is necessary to secure the prompt transaction of business. If the title of the bill truly describes its only purpose, the most ignorant member may at least know the nature of the subject under consideration; and, where the bill is one of amendment, he is aided by another of these new safeguards — that so much of the old law as is amended, shall be printed at length, as it will read, in its amended form. The most dangerous bills are generally hurried through at the close of the session, when there is no time to discuss, or even to examine them. To meet this difficulty, Arkansas provides in her last Constitution (1874), that "no new bills shall be introduced into either House during the last three days of the session."

Corruption in elections has become almost as familiar in some parts of our country, as it once was in England. It was formerly enough for the members of the legislature to swear fidelity to the

Constitutions of the State and the United States. Now, our Constitutions begin to exact a further oath that they have not paid or promised anything for their election, and that they will not directly or indirectly receive anything to influence or recompense their official acts. Violation of this oath is perjury — that is, a State prison offence.

Back pay and extra compensation of every sort are generally forbidden. State aid or gratuities, except for military services or pensions; loans of public credit; municipal subscriptions or guarantees to private enterprises or local improvements; grants to religious organizations — all these are to be known no more.

Great Britain has found it necessary to guard against profuse expenditures, and grants by her colonial legislatures by measures yet more stringent. In the Union Act creating the Dominion of Canada (1867) it is provided that, "It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General at the same session."

The Constitution of Louisiana (1879), now pending for ratification, prohibits the contracting of any State indebtedness, "except for the purpose of repelling invasion, or for the suppression of insurrection."

In the last (and sixth) Georgia Constitution (1877) "Lobbying is declared to be a crime." No definition of the offence is attempted, and I fear that none was necessary.

Corporations necessarily form the greatest subject of legislation, for they represent, probably, four-fifths of the wealth and industry of the country, apart from lands occupied as homesteads. When the first State Constitution was adopted there could hardly have been fifty monied corporations in the whole country. At the present time there must be nearer fifty thousand. Their general character of perpetuity, and the limited liability of their stockholders in case of insolvency, fit them well for the demands of American life. But the energy and persistence with which they concentrate power, in the prosecution of new enterprises, are no less irresistible when directed to the attainment of any legislation, in which they may find their profit. Their directors and presidents fill our senates, and their stockholders and employees are prominent

in the lower house. Unless the Constitution sets up some barrier, there are few favors which organizations, so powerful, can seek in vain. But almost all corporations of the same class, or business character, can be conducted under the same rules. Instead of a special charter for every railroad — three-fourths of which must be a mere repetition of provisions found in every other — we have come to the plan of general railroad laws, under which any set of men, with the necessary capital to build a new road, may obtain the authority to go forward with the work. The same is true of banks; of insurance companies; of manufacturing concerns. Let the legislature lay down a few general limitations, as to the amount of capital, the number that may be organized in any locality, inspection by State officials, tax returns, &c., and a hundred corporations may organize themselves, without burdening the statute-books with useless charters, or besieging the State house with requests for special privileges or concessions.

In constituting the capital of these associations, watered stock, and stock issued for gratuities, or otherwise than for actual value, are made void. The consolidation of rival railroads or canals is forbidden. Railroad rings are prohibited; so are free passes.

The right of legislatures to prescribe the maximum charges for freight and passenger rates, on railroads, recently affirmed by the Supreme Court of the United States, has been made a duty, in several of the States. The new Constitution of California, just adopted (1879), goes a step farther, in prescribing what servants and agents corporations may, or rather may not employ. The prohibition against their use of Chinese labor — though designed as an attack upon the employed, rather than the employer — would seem to be defensible, in the absence of any treaty obligations to the contrary, on the same grounds as the Granger railroad laws. Corporations are mere creatures of the legislative power, with such rights and franchises only, as the legislature may choose to concede, and these—if their charters are drawn in the usual form—revocable at pleasure. They are not citizens of the State, or of the United States, so far as respects the constitutional guarantees of the privileges and immunities of citizens of either government. We have long been familiar with laws forbidding the employment of children, under a certain age, in mills. Why not, as well, extend the exercise of the police or regulative powers of the State so as to exclude laborers of a certain race or country? Our opinions as to the policy of such a measure can be no test of its validity.

The Common Law, it will be remembered, allowed no compensation to be recovered from one who had, either wilfully or negligently, been the cause of another's death. For this — so contrary to the dictates of common sense, and to the maxims of most other civilized and uncivilized nations — the only reason to be given was that human life was beyond price, and could not be measured by money. The frequent losses of life by railway and steamboat accidents early led to statutes, both in England and America, giving a right to compensation, in favor of the family of the deceased. The corporations most interested could not prevent the passage of such Acts, but they did succeed, generally, in limiting the right of recovery to $5,000. In most of our States, therefore, it has been cheaper to kill a man outright, than merely to maim him. A Massachusetts physician, whose professional prospects were ruined, by a railway accident, which left him a paralytic, recently recovered $39,000 damages from the Eastern Railroad. Had he died from the shock, I presume they would have escaped with $5,000. The new Constitution of Pennsylvania forbids any law fixing the limit of compensation, in actions for any personal injury.

No charters have been more abused — particularly in the Southwest — than those of banks. Texas, in her Constitution of 1876 — willing, apparently, to leave this business to be regulated exclusively by the United States — provides that "No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges." New Jersey, a year before, had provided that no bank charter should be passed, or amended, except by a vote of three-fifths of all the members elected, in each house; and that none should be granted for more than twenty years. Two States, which have suffered much from failing banks [Missouri (1875) and Louisiana (1879)], have made it a crime for any bank officer to receive deposits or negotiate loans, with knowledge that the institution is insolvent. California makes stockholders in every corporation liable to its creditors, to an amount proportioned to the stock owned by each, and gives a remedy against the directors for all embezzlements by officers or agents of their appointment.

We all know how frequently corporations are organized to do business in another State; and as a general rule, the farther they go from home, the less capital they carry, and the less morality, as well. Most of the mining companies in Colorado and Nevada are chartered in New York and New England. Their capital is a

mining right, valued at a million or two, and worth, probably, less than nothing, because it involves quite an outlay to find out that it is worthless. Such a corporation, organized in New York, to do business in Connecticut, was recently wound up there, by bankruptcy proceedings. It had a capital of $250,000, all paid in, on paper; but when the truth came out, it appeared that an irresponsible man had given his own note for $500 for a license to dig for barytes on a certain farm, for 99 years, subject to a royalty of so much a ton for all he got out, and that the stock was issued to the maker of the note, as the price of a transfer of this lease or license, the corporation assuming the payment of the note, upon itself, and selling enough of its own stock, to outside parties, to meet it. As such corporations cannot be sued, ordinarily, out of the State which charters them, our new Constitutions provide for suing them in the State where they do business.

Most of our Constitutions have referred to the subject of taxation with some such general declaration, only, as that taxes should be equal and uniform. California is, I believe, the first to declare in terms that all property must be taxed, and to attempt to describe in detail, the items of which property may consist. This was the cause of much of the opposition to the ratification of her new Constitution, but I fail to see how these provisions go farther than the statutes, on this subject, under which many of our States have been governed for centuries. It may be unwise to elevate such a rule of administration — disapproved by so many economists — beyond the reach of legislative amendment or repeal, but it is not communism.

In one respect we see an apparent increase of legislative power, or dignity. The sessions of the legislature are generally made biennial, thus doubling the terms of office of its members. There are but ten of the States which have not moved in this direction. But the controlling object of this change, is to lessen legislation, by taking away half its opportunities. Though the representatives are elected for two years, they are paid for but one year's work, and are not likely to do more, at their own expense.

As to the right of suffrage, a few attempts have been made, within the past twenty years, or so, to create restrictions in the way of education, or tax-paying. Pennsylvania, Massachusetts, Tennessee, and Georgia, require every voter to be a tax-payer. A similar measure was submitted to the people in Maine in 1878, but

failed of adoption. Rhode Island still denies suffrage to foreign-born citizens of the United States, unless they own real estate to the value of $134, and in 1871 refused, by an emphatic vote, to change its policy. Massachusetts denies a vote to those who cannot read and write: Connecticut to those who cannot read.

Female suffrage in school elections, coupled with the right to hold office on school boards, was authorized in Minnesota in 1875. Pennsylvania in 1873 made women eligible to any office of control or management respecting schools, but did not give them the right to vote. Colorado, in 1876, authorized the submission to the people for their ratification of a law conceding to women the right to vote (but not to hold office) at all elections, on the same terms as men. The law was accordingly framed in 1877, but was rejected by a large majority. A few of the older Constitutions excluded Roman Catholics and infidels from public office. New Hampshire was the last to retain this religious test, and abolished it in 1877.

The great object of all laws and Constitutions is to guard the weak and protect minorities. In the regulation of private corporations, several of the more recent Constitutions have provided that any stockholder may cumulate his votes, in the election of directors; that is, if he has ten votes to give, and there are five directors to be elected, he may give ten to each of five candidates, or fifty to one candidate, or twenty-five each to two candidates.

Illinois has extended this principle to her State elections for representatives in the legislature. Every district sends three, and every elector may cumulate or divide his three votes, at his pleasure. In practical operation, this scheme is charged with this defect: that the best men get the fewest votes, because every one thinks that they are sure of a majority, without his aid; while the more ignorant voter, unfamiliar with processes of calculation, is likely to be, more than ever, the mere tool of the party managers. Its friends, however, claim, [I think, with reason,] that, on the whole, it results in the nomination of better candidates, as well as in a fair representation of the represented.

The old way was to give the legislature almost unlimited power as to the canvass of elections. It has been found, however, too partisan a body for the task, and the tendency now is to leave such questions to the Courts, and to ensure an honest investigation there, by numbering the ballots, and placing on each the name of the man who casts it. This is, in substance, the

mode adopted by the provisional English election bill of 1872, which is to continue in force till December 31, 1880.

The impress of Northern sentiments on the Southern mind, as to matters wholly aside from politics, or sectional differences, we find strongly marked, in several of the recent Constitutions. The time is not far distant, when the custom of duelling was a general social law, in the Southern States. But in every one of them, it is now restrained by a Constitutional provision. Louisiana, which, so late as 1864, provided in her Constitution for licenses to lottery dealers and gambling houses, now (1879), after prohibiting lotteries subsequently to 1895, proceeds to say, with much of the old Puritanic commingling of the notions of crimes and sins, "Gambling is declared to be a vice, and the General Assembly may enact laws for its suppression." Public schools, at public expense, is another Northern and New England institution, which has planted itself in all the Southern Constitutions, since the war, less perhaps as a measure of expediency, or right, than of necessity, in view of the extension of suffrage. Georgia (1877) expressly confines her common school instruction to "the elementary branches of an English education only." North Carolina, in 1876, provided that a law might be made compelling every child between six and eighteen, unless otherwise educated, to go to a public school for at least sixteen months. Similar legislation was long ago obtained in some of the Eastern States, without the aid of any Constitutional provision.

State Universities are becoming more common. Texas (1876) provided that "The legislature shall, as soon as practicable, establish, organize, and provide for the maintenance, support and direction of a University of the first-class." They "shall also, when deemed practicable, establish and provide for the maintenance of a college or branch University for the instruction of the colored youths of the State." Georgia provides for State aid to the University of Georgia, and also to some one college or University for persons of color. Louisiana (1879) directs grants to her State University to the extent of not over $10,000 a year, and requires the establishment of a University for persons of color, and an annual appropriation of not less than $5,000 nor over $10,000, for its maintenance.

We see in our recent Constitutions a general tendency in favor of the debtor class. In many of them, imprisonment for debt is expressly abolished, except under circumstances of fraud. In

many, the legislature is enjoined to pass "liberal" homestead and exemption laws, or else these exemptions are expressly defined and granted. So far as such provisions take away the remedy of a creditor to collect pre-existing debts, the Supreme Court has told us that they were void; but as to future debts, contracted after their adoption, the exemptions are effectual. There are economists who claim that society should afford no remedy for the collection of debts, leaving men to give credit at their own risk. In this way, it is argued, trade will be healthy and unforced; rogues must work, because no one will trust them; prices will be uniform, because the profit need include no margin for bad debts; and commercial panics will be unknown. The exemption laws of some of our Southern and Westers States, which secure to an insolvent debtor his farm and stock, his furniture and library, free from any claim of creditors, will go far to demonstrate the truth or falsity of these positions.

Texas has given unlimited protection to every wage-earner, by the provision in her new Constitution of 1876, that: "No current wages for personal service shall ever be subject to garnishment."

Forbidding taxation by municipalities, or even by the State, beyond a certain *per centum*, is another bulwark for debtors which has found place in several of the recent constitutions. Too often it is but an indirect way of commencing or enforcing the policy of repudiation, which now disgraces the records of so many of our States. The latest instance is perhaps the most unblushing. Louisiana in 1874, by a Constitutional Amendment, sanctioning a Legislative Act, refunded her debt, by a compulsory process, into new consolidated seven per cent. bonds, for sixty per cent. of the amount of the old ones; and declared the new issue to be a valid contract "which the State shall by no means and in no wise impair;" and that to secure the levy and collection of the taxes required to meet the interest and principal, "the judicial power shall be exercised, when necessary;" and that these taxes should be annually assessed and collected, and the payments made, without any further legislative appropriation. But, in July, 1879, the Constitutional Convention framed an ordinance, which is now pending for the approval of the people, declaring — as if the State were the creditor instead of the debtor — that the interest on these sealed bonds shall "be and is hereby fixed at two per cent. per annum for five years from the first of January, 1880; three per

cent. per annum for fifteen years, and four per cent. per annum thereafter;" and "that the coupons of said consolidated bonds, falling due on the first day of January, 1880, be and the same is hereby remitted, and any interest tax collected to meet said coupons is hereby transferred to defray the expenses of the State government." If this ordinance is ratified, the State tax may be six mills a year; if not ratified, it can never exceed five mills. It should be stated that forty-one members of the convention voted against these measures, and I may add that one of them, who most warmly opposed them, is an active member of this association.

As literary productions, many of the recent Constitutions compare unfavorably with their predecessors. They are more wordy, and often descend into what seems a pettiness of detail: some are so hastily thrown together as to be absolutely slovenly. In Louisiana, for instance — a State whose jurists have always been noted for the elegance of their taste and scholarship — we find an entire Article repeated and re-enacted, word for word, as part of a later one. Occasionally we meet a Section which might have been suggested by the Hon. Elijah Pogram, as when North Carolina solemnly incorporates into her Declaration of Rights, the assertion that "A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." Even this, however, is far above what one is frequently ashamed to see in American statutes. The Civil Rights Bill, enacted by Congress in 1875, for instance, commences with a preamble, declaring that it is "the appropriate object of legislation to enact great, fundamental principles, into law" — precisely the thing which, I should rather say, is the last object of legislative enactment in a free government, because they are, of themselves, the highest law, and the very touch-stones by which we test the validity of every statute.

Here and there, but rarely, we observe the hand of the political theorist. Thus in Alabama, in 1867, the legislature was directed to frame "a penal code, founded on principles of reformation." But in her Constitution of 1875, this section has disappeared.

It is a redeeming feature of our American Constitutions that they deal so little in theoretical and unsettled questions of polity or jurisprudence. We can afford to experiment in our statute laws. If faulty in operation, they are easily repealed or amended. But our Constitutions should present only foundation principles, beyond

the reach of ordinary change. Such was certainly their original scope and frame. The many recent amendments of which I have spoken, are the witness of a new epoch. The times have changed, and Constitutions have changed with them. But, as we compare the modifications thus introduced in our plans of internal government, with those of the other great powers of Christendom, during the century, we shall not find ourselves the greatest innovators. Rather may we take an honest pride in observing how few steps we have found it necessary to retrace, and how the good sense and good morals of our people, have, on the whole, been adequate to keep in check every new tendency to corruption or injustice.

THE POLICY OF PATENT LAWS.

READ BY FREDERIC H. BETTS, NEW YORK CITY.

(Thursday, September 11, 1879.)

Freedom of trade, in so far as regards the employment of industry and skill, was a jealously guarded maxim of the common law of England. It was one of the birthrights of an Englishman that he should not be restrained from working at any lawful trade, or using as many arts and mysteries as he pleased. [Coryton, 3; Com. Dig. Trade, Vin. Abr. Trade.]

The jealousy of courts of law of all agreements in restraint of trade is well known. In the earliest instance where such a bargain was called in question, in the reign of Henry the Fifth, a dyer was found to be bound in a penalty of £100 not to use his craft for a year. Mr. Justice Hull held that the bond was void, "for that the condition ran contrary to the common law," and, he exclaimed with an oath, and in an outburst of loyal indignation, "If the plaintiff were here he should go to prison till he had paid a fine to the king." [2 Henry V.]

Notwithstanding this underlying spirit of freedom, various forms of interference were developed by the exigencies of affairs. Among these were "the numerous and urgent statutes passed to forbid the enhancement of the prices of necessary commodities" by forestalling purchasers, and the frequent grants of monopolies by royal charter. Forestallers, engrossers, and regrators were exclaimed against as "the manifest oppressors of the poor and decayers of the rich, as public enemies, cankers, and gnawing worms that daily

waste the commonwealth" [*Pulton de Pace Regnis.* tit. Oppression]; and the laws based on this spirit of hostility continued, till a late period, to form a part of English social policy.

The grant of monopolies, of the sole dealing in known commodities, or the sole exercise of known trades, were favors for which courtiers could afford to pay, and vast sums of money flowed into the royal treasury from this source. The system of monopolies was, however, an admitted infringement of the rights of the subject.

"Monopolies," says Sir Edward Coke, "were ever without law, but never without friends." [3 Inst., 182.]

The concession of the right of sole selling of articles in common use was held to be an improper exercise of the royal prerogative in Peachies' case as far back as the reign of Edward III. [3 Inst., 181]; and privileges of exclusive exercise of known occupations, of sole rights to import certain merchandise, by corporations, or to trade in particular articles, or from particular places, were early held to be beyond the law. [Roll. Abr. 212; Raym., 489.]

To a large extent, however, the power of the Crown to regulate commerce and manufactures was recognized. Even in the 14th century it was laid down by the lawyers as not inconsistent with the spirit of English freedom, that "arts and sciences which are for the public good are greatly favored by the law; and the king, as chief guardian of the common weal, has power and authority by his prerogative to grant many privileges for the sake of the public good, although *prima facie* they appear to be clearly against common right." [4 Ed. III., f. 17.] On this ground it was that the practice of the grant of patents for new inventions was originated, perhaps in the time of Edward III. The reign of that prince, who has been aptly styled the father of English commerce, was that, says Hallam, when the occupations of merchants and artificers became honorable, and many statutes were passed for the encouragement of manufactures. [Hallam's Constitutional Hist., 476.] The basis of the grant of patents for new inventions is readily understood. Lord Coke clearly stated it in the celebrated case of monopolies in the reign of Elizabeth. [Darcy *v.* Allen, Noy., R., 182.]

"When," says he, "any man by his own charge, or industry, or by his own wit or invention doth bring any new trade into the realm, or any engine tending to the furtherance of trades never before used, and that for the good of the realm, in such cases the

king may grant him a monopoly patent for some reasonable time, until the subjects may learn the same, in consideration of the good he doth bring to the commonwealth, otherwise not."

In early times it was the custom to petition the king for the grant of the sole right of using new discoveries. This mode of compensation was not then a matter of right, but of grace or favor. The king, theory supposed, judged of the value of the invention and of its probable benefit to the realm, and either refused an exclusive privilege of working it, or granted it, if such favor was deemed expedient for the good of the commonwealth, or the encouragement of the inventor. This discretion in granting or withholding patents was exercised in some notable instances. Lee invented the stocking frame in 1589. Elizabeth and James the First both refused him a patent. He accordingly carried it to France, obtained there a grant of privilege, and set up his frames. It was not until 30 or 40 years subsequently that they were brought back to England by an apprentice. The statute of 21 James the First, familiarly known as the statute of "monopolies," defined the royal prerogative, and has been deemed to have insured to the inventor a legal right to a patent. Previous to its passage, as we all know, the abuse of the grant of monopoly privileges over known articles of trade had been a crying one. It had met with earnest resistance in the Parliaments of Elizabeth and James the First, but humble petitions had failed to effect a reform, and a statute became necessary. The statute of James in vehement terms declared void all monopolies, but, by its provisos, saved the grant of letters patent to the true inventor, within the realm, of any manner of new manufacture.

Since the passage of that bill the grant of patents has been substantially regarded as a matter of right. The form of the grant in England has been retained, which implies a favor from the Crown, but in practice, when the conditions prescribed by the statute exist, the great seal may not be refused. The grant is *e mero motu* in form, but *ex debito justitiæ* in fact. [Coryton, 41.]

Lord Eldon enforced the principle, easily traceable in the very origin of the practice, that patents are to be considered a bargain between the inventor and the public. The inventor, on his side, contracting to contribute a new item to the stock of knowledge of practical utility for purposes of trade; and the public, in consideration of such communication, affording to the inventor the means

of retaining the exclusive use of his invention for a limited period.

The existing mutual consideration clearly distinguishes these grants from cases of the obnoxious monopolists. In the one, a benefit is supposed to be imparted to the public in return for the measure of protection afforded; in the other, the subjection of articles of common use to the control of favorites resulted in nothing but loss to the people.

The example of England in establishing a system of grants of patents for new inventions has been followed in more recent times in nearly all civilized countries. It was recognized among us during the colonial period. A decree of the General Court of the Colony of Massachusetts Bay, promulgated in 1641, prohibited monopolies, except "of such new inventions as are profitable to the country, and that for a short time." [Charter of Col. and Prov. of Mass. Bay, 1814, p. 170.] The other colonies occasionally exercised the power; and in 1789 the Federal Constitution empowered Congress to "promote the progress of science and the useful arts by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries."

Our first general patent law was passed in 1790; France followed in 1791; Prussia in 1815; Austria in 1820; Bavaria in 1825; Russia in 1833; and subsequently all the other European states, with the exception of Switzerland.

This system is, however, now arraigned as false in principle and detrimental to trade, as promotive of waste of time and talents, and as affording rare opportunities for oppression. It is to the consideration of these charges that the inquirer into the policy of the patent laws must turn his attention.

It is, then, by the opponents of patent laws broadly urged that there should be no exclusive property in intellectual products; that achievements of the mind are intended for dissemination, and ought not to be controlled by individuals, and that occupancy, the basis of all rights of property, cannot be properly predicated of the operations of the intellect. These objections have been urged both against property in copyright and that of patents, though it is conceded that in some respects the two species stand upon different grounds. Objectors of this class decline to entertain the notion that a man can have any just claim to the exclusive use of that which his mind creates, or that the results of intellectual production are to be held, as claimed by the friends of inventors, by any

higher title than that of land or other visible property. These views were ably urged in the British Parliament in 1868 by Mr. Macfie, Sir Roundell Palmer, and Lord Stanley, in the discussion upon the abolition of patents.

It is to be noted that these theoretical objections are two in number: First, that as matter of public right there should be no property in ideas; and, second, that even conceding the abstract justice of such proprietorship, an invention is not property of such a nature as to admit of occupancy. In support of the first objection it is urged that "to so interfere with the communication and enjoyment of knowledge or ideas by limiting the power or right to apply inventions to use is to withhold that which one man, without loss to himself, may benefit his fellows; that the order of nature and the promptings of philanthropy are favorable to the communication of inventions and their free use."

This objection has a flavor of freedom and advanced thought which attracts some minds, but it has really very little practical application to the present discussion. Patent laws do not proceed upon the theory either of protecting or conferring property in mere ideas. It is only the practical embodiment of ideas in some definite and determinable shape which can properly be made the subject of a patent. The discoverer of a new principle, or of a law of nature, however useful, has never been considered as entitled to patent protection; but he who applies a discovery, in some ascertained and prescribed manner, to the improvement of trade, is, by patent laws, vested with the control over his special application for a limited period. This distinction was carefully pointed out by the Supreme Court of the United States, in O'Rielly *v.* Morse [15 How. 62]. In that case, which involved the invention of the electric telegraph, Chief Justice Taney said: "Whoever discovers that a certain useful result will be produced in any art, machine, manufacture, or composition of matter by the use of *certain means*, is entitled to a patent for it, provided he specifies the means he uses in a manner so full and exact that any one skilled in the science to which it appertains can, by using the means he specifies, without any addition to or subscription from them, produce precisely the result he describes; and if this cannot be done by the means he describes, the patent is void; and if it can be done, then the patent confers upon him the exclusive right to use the means he specifies to produce the result or effect he describes, and nothing more; and

it makes no difference in this respect whether the effect is produced by chemical agency or combination, or by the application of discoveries or principles in natural philosophy known or unknown before his invention, or by machinery acting together upon mechanical principles. In either case he must describe the manner and process as above mentioned, and the end it accomplishes; and any one may lawfully accomplish the same end without infringing the patent, if he uses means substantially different from those described." The same distinction between mere ideas and their practical embodiment has been stated in numerous other cases, and reference may be specially made to the opinion of the Court in Morton *v.* The Eye and Ear Infirmary [5 Blatch. 116], which involved the celebrated discovery of the use of ether to alleviate pain during surgical operations.

Notwithstanding the attractive position of those advocates who urge the inherent principle of freedom of ideas, a practical consideration of the feelings of men leads to the conviction that we all recognize a species of natural property in the expression of ideas, and some inherent and natural right to prevent, in some measure, the use of our ideas by others, and this quite apart from any enactment such as a patent law. Thus, the public lecturer or teacher, though protected by no patent or copyright, resents the repetition of his lecture by another. The artist with similar feeling holds that the expression of his art idea should not be appropriated, without his permission, in the same or substantially the same form. A picture by an old master in a public gallery may be copied, because there is no one whose right of property is invaded by so doing, and because the exhibition of such a picture, and in such a place, has expressly divested it of that private character which we all feel would otherwise forbid its imitation. The common stigma which attaches to all plagiarism, whether it be in literature, art, or even in conversation, attests the prevailing sense of the right of an originator of ideas of any kind to some form, at least, of exclusiveness in their use.

If we analyze these innate recognitions of right, it will be found that mankind hold it to be just that no man should use the ideas of another, in the mode contemplated by the originator for his own use, without giving to him that kind of return which was the motive of origination. Thus, a primary motive in all literary and artistic production is reputation. Hence, he who uses the ideas of another

in literature or art, without giving credit to their true author, is felt to have infringed his right. But if the expressions be used simply by way of quotation, no right is impaired. If the production of an instructor or lecturer be repeated from memory, privately, no blame attaches; but if another attempts to supplant him before the public by reproducing his lecture, he has done wrong. The same principle and the same recognition of right is to be observed in the application of ideas to the purposes of trade. The case of trade marks is analogous. A man who originates some arbitrary name or design to indicate an article in which he trades, by virtue of his application of that idea to that particular purpose, acquires, by universal assent, by the mere adoption and use, an exclusive right to the special use of the mark, name or brand, and all others are prevented from making the same application of the same idea; and this, not wholly on the ground of deception of the public—although that is an element—but on the basis of the right of an individual, by virtue of conception and adoption, to acquire a proprietary interest in the mark.

I say that this recognized rule of trade is not primarily based upon the idea of any harm to the public or deception of the public, for the infringement of a trade mark is equally prohibited, whether the public are in fact deceived or not, or whether the goods of the imitator be better or worse than those of the trade mark owner. [Browne on Trade Marks, Secs. 393, 496, 565; Coats *v.* Holbrook, 2 Sandf., Chancery, 586.] The trade mark owner, in this case, has added nothing of value to his product by his slight exercise of ingenuity in devising for it a suitable mark; yet it is conceded that because he has adopted it, and so distinguished the goods manufactured as his own, another may not imitate the mark.

These illustrations prove that men do recognize the justice of the control by individuals of the applications and expressions of ideas; and it is believed that this recognition is in accordance with all the principles upon which the idea of property is founded.

If we apply the same principles to the inquiry in regard to the right of property in inventions, it will be seen that here, too, it is consonant with the principle of natural justice that he who invents something for the improvement of trade should be protected in his invention in such manner that he will receive from it the kind of return that was the motive of his invention.

It cannot be doubted but that pecuniary return is the motive of the great mass of inventions.

There are some notable exceptions, but in general it is true that few really practical and valuable inventions are the work of the mere scientific inquirer. Most are the product of the exigencies of business, and of the brains of men whose hands are engaged in the work to which the inventions relate. Mr. Webster, the author of the well known work on patents, a man of large experience, I believe, in practical questions connected with inventions, testified before the British Royal Commission in 1865: "The number of inventions brought out by really scientific people I believe to be very few, and for this reason — purely scientific people want practical knowledge to enable them to carry out their own ideas. The mass of inventions, I have no doubt, are made by workmen or persons of skill or science engaged in actual manufacture."

This, I think, is in accordance with the experience of most persons familiar with the production of inventions; and such being the class of persons who are usually inventors, it follows, as few will be disposed to doubt, that hope of advantages in trade, or to say it shortly, "money," and not the interests of mankind in general, is the incentive which creates inventions. If this be the motive of production, natural feeling justifies the expectation of pecuniary compensation for what has been invented. And here we may say, in passing, that the logical result of this feeling of justice to an inventor is best satisfied, not by a system of State rewards, which have never been found practical, but by vesting in him the exclusive control for a period of the embodiment of his ideas. For as all trade consists in the multiplication and exchange of commodities, so he who has produced a new or improved commodity is best and most logically recompensed by protection in the exclusive multiplication and exchange of that to which he has given value.

"A patent is an instance," says Bentham, "of a reward peculiarly adapted to the nature of the service, and adapts itself with the utmost nicety to those rules of proportion to which it is most difficult for rewards artificially instituted by the legislature to conform. If confined, as it ought to be, to the precise point in which the originality of the invention consists, it is conferred with the least possible waste of expense."

This view, which affirms it to be just that men should be paid for their ideas in a manner corresponding to the motive of originating

them, disposes of some of the most forcible abstract positions of the opponents of patent systems. Thus, Monsieur Benard, editor of the *Journal des Economistes*, in an able article published in July, 1868, in commenting on property in inventions, and discussing the subject from the standpoint of the imagined origin of ideas of property among savage men, says:

"The first man who constructed a hut, a piece of furniture, or a cloak, was perfectly right in defending his claim to the tangible possession against any who would deprive him of it. But if this first man, not content with claiming his hut, had pretended that the idea of building it belonged exclusively to him, and that consequently no other human being had a right to build a similar one, the neighbors would have revolted against so monstrous a pretension, and would never have allowed so mischievous an extension of the right which he had in the product of his labor."

But this illustration fails because it leaves out of view the circumstances and motives which form the basis of inventions in the useful arts. The first savage who made a hut or a cloak did not do so with any view of receiving for it a pecuniary reward in trade. His motive was self-protection, and he naturally saw no interference with any rights of his, when his neighbor protected himself, likewise, from the storm or cold. But the notion of property in the embodiment of ideas, as such, is one which arises only in advanced states of society, when the arts and trade develop, and when the value of such ideas can be estimated and appreciated. And it is clear that when the motive for the origination of such ideas is the advantage to be derived by trading, in and by them, that the neighbors of the more civilized constructor will not be unwilling to recognize some proprietary right in the products of his ingenuity.

"The reasons for recognizing the rights of inventors rest," said the English Society of Arts, in 1851, "on much higher grounds than the encouragement of invention itself. They are precisely those which induce men to adopt civilized rather than savage life."

If we have now shown that property in the material embodiment of ideas is not inconsistent with natural justice, we pass to the second objection of a general nature, to wit, that inventions do not admit of being appropriated as property, because they are of a nature too intangible to be the subject of occupancy.

This objection has been necessarily in part answered in treating the former one.

We have shown that inventions are not mere abstract ideas; it is only when such ideas have passed down out of the region of speculation and been embodied in some tangible and recognizable shape that the law can or does afford its protection. Undoubted difficulties exist, and they are often grave ones, in determining the exact limits of an invention. The inventor is entitled to his original conception in the form and mode in which he has tangibly and practically expressed it, and in all other forms which are substantially the same as his. But he is entitled to nothing more. He cannot claim mere results, and so control all methods of reaching them. What he may claim is all modes which are mere colorable evasions of his own. In determining the question, however, whether a given manufacture is substantially the same as another, there are confessd opportunities for error. But these ought not to turn the scale against the policy of law whose foundation is just. These are difficulties of administration, and are due to the fallibility of human justice, and the partiality of human intelligence. The difficulty of defining the exact limits of all incorporeal rights is often very great, but it has not yet been successfully urged as a reason for their abolition.

In considering this question, the distinction between copyright and patent right has been commented upon by those in favor of the abolition of patents, but who are willing to preserve copyright. Thus Mr. Macfie, the editor of a recent volume of extracts bearing upon copyright reform, says in his preface: "There is one broad distinction between them. Copyright concerns subject matter the origin and sole creation of which can be easily determined. Patent right concerns subject matter, an invention, which may be, and commonly is, originated by a plurality of persons in complete independence and ignorance one of another, and of what each other does or has done, and which is constantly likely or liable to be improved upon both by the first and by simultaneous and by subsequent inventors. Patent right, therefore constitutes or describes a more difficult, and, as to its justification, a more doubtful monopoly." [Copyright and Patents, 1879.]

But the fact that the boundaries of a piece of property may be difficult to ascertain is no ground for depriving the possessor of it. Of all incorporeal rights, that of character and reputation is the most incapable of measurement; yet for that very reason it has been esteemed the most precious. The law justly protects men

against the spoken word which affects injuriously their character or business name. True, the extent of injury can never be definitely measured. The trespass upon this incorporeal right may be skilfully concealed. A scandalous rebus or anagram has been held actionable [Folkard on libel, 165]; so has a libel embodied in a *satirical* statement, or *question*, which *insinuates* a disgrace [*Id.*, 165]. But if the facts be ascertained and the result be injury to business or reputation, the law seizes upon the offender and awards compensation, and perhaps inflicts punishment. The same principle obtains in the case of trade marks, already alluded to. The simulation of a proprietary brand or name is justly regarded as within the proper cognizance of the law; and this, though points of difference may be cleverly introduced, and though cases may often arise where the most impartial may disagree as to the alleged fact of similarity of designation. In the administration of all human justice there are grave uncertainties; but the existence of numerous cases of doubt on the boundaries of all questions cannot be held to impugn the justice or policy of the principle of attempting the protection of rights so far as they are ascertainable.

And this leads us to the next and cognate objection to patent laws, one not abstract, as the two already stated, but practical, and closely concerning the policy and justice of the system. It is alleged that the grant of patents to the first inventor is detrimental to the progress and dissemination of knowledge, because it is rarely the case that an invention, which marks a step in the progress of the arts, is made only by a single individual, but is ordinarily arrived at simultaneously, or nearly simultaneously, by several, if not by numerous investigators. This has been already stated in the words of Mr. Macfie. The same proposition was urged by Sir Roundell Palmer in the debate on the abolition of patents. He is reported as saying:

"It commonly happened that half a dozen men who were competing in the same line of business were upon the track of the same discovery. Each of these half dozen men would probably have hit upon the invention which was wanted independently and without communication with the other; but the first who hit upon it, and who took out a patent for it, was thereby entitled to exclude the general public and competitors frem the use of that which, if he had never existed, they would probably have hit upon within a few weeks. A and B reach the same point, one a week or a fortnight

before the other; and A being entitled by the mere accident of such priority to exclude B from a process, which, later on, B would have hit upon for himself."

So, too, Prof. Thorold Rogers is reported as writing:

"In ninety-nine cases out of a hundred the patentee is only a simultaneous inventor with a number of others, who lose their labor and ingenuity because one man happens to get in first. It has always seemed to me that the weakness of an inventor's case lies in the fact, already alluded to, that he rarely is the sole inventor."

There is much apparent force in these statements. If, indeed, it be the case that ordinarily the same invention is hit upon by a number of persons, and that the world is not really indebted to any single individual, but that it can obtain the same advantage from a number of sources at nearly the same time, is it, on the whole, a just or sound policy to place the sole control of the invention in the hands of the one who, by special diligence or by happy accident, arrives first at the goal? In considering this question it must be borne in mind that the principle of rewarding those whose only claim is priority is not confined to patent laws. We have already adverted to the law of trade marks, where the first adopter of a given symbol for a given class of merchandise is recognized as entitled to its sole use for that purpose, and this entirely irrespective of the question of good faith, ignorance, or otherwise, on the part of a subsequent adopter. So, too, the claim of governments to lands, by virtue of priority of discovery; and in mining laws, the right to mining claims founded upon the same principle. The same rule is adopted in bestowing rewards for excellence in nearly all cases of competition. It is he who is first to reach the goal, or he who evinces the highest capacity in any department, who carries off the prize. The next competitor, however closely he may press the winner, is little recognized. Priority is always compensated to a degree vastly out of proportion to relative excellence. But if it be conceded that the proposition is true, which affirms that inventions are ordinarily made by a number of persons simultaneously, it must be remembered that this proposition is only alleged to be true under the operation of the patent laws, by which an incentive is held out to induce invention, and the prize of a patent is offered to him who shall first invent and perfect. Is it true that under a system where there are no patents, and no such incentive exists as they afford, that a number of persons will be

working simultaneously at the same problem, and will reach the same result in close proximity in point of time? Is not the comparison to be properly made between the state of affairs as it now exists and a condition of things, where the inventor expects no control over his invention? If it be the case that three, four, or more persons are ordinarily competing for priority, is not that state of affairs the product of the patent system? And do not all of the competitors strive under the well-understood condition that "they that run in a race, run *all*, but *one* receiveth the prize?" If this be so, can it be justly claimed that the grant of patents deprives the country of the free use of what they would have obtained in any event in a short time? Is it not rather rational to conclude that the competition of numerous investigators, who understand that it is to the first, only, that compensation is offered, results in the production of a desired object at a period so far in advance of that at which it would otherwise have appeared, that the country can well afford to pay a handsome premium in royalties for its early revelation?

But it is difficult to say that the proposition is well founded, which affirms that the same invention is ordinarily hit upon about the same time by a number of experimenters. There has been much loose and half-understood statement upon this subject. My own experience has led me to the conclusion that it is very rarely the case that the same invention is simultaneously made by several. It is true that there are times when, as has been said, the whole atmosphere of thought seems to be quickened by the sense of an impending discovery. It is also true that independent investigators sometimes announce their accomplishment of the desired result with substantial contemporaneity. But it will be found in most of these cases that it is only the result which is the same with the several searchers.

Only in that can the inventions be deemed the same. In the aspect in which they are viewed by the patent law they are totally distinct and different. While each person has solved the same problem, the method adopted and the means employed by each have been quite dissimilar; and as results cannot be patented, it turns out that each is entitled to claim and hold his own ascertained mode, and neither is invested with control over the other, except what may naturally result from superiority of one method of treatment. The notable case of the invention of the electric telegraph

will illustrate the correctness of this statement. The scientific world was in the early part of the third decade of this century laboring over the problem of electric communication. A hundred minds were engaged in studying recognized phenomena, and seeking to unravel the mystery of conveying intelligible signals to a distance. If there ever was a case where, according to the favorite statement of the opponents of patents, it might be expected that there would be simultaneous and identical inventions, here would apparently be an instance. As matter of fact, Prof. Morse in America, Prof. Wheatstone in England, and Monsieur Steinheil in France, in ignorance of each other's discoveries, announced the solution of the problem at nearly the same time, yet each of their inventions was distinct and clearly distinguishable from the other in character. No one of them could, under the principle of patent law, already explained, claim the control broadly of the communication of signals by electricity. Each was entitled to exclusive property only in his own special device, with the right to suppress other devices which were substantially equivalent. In comparing the contrivances of Morse, Wheatstone, and Steinheil, the Supreme Court of the United States said:

"It is impossible to examine them, and look at the process, machinery, and results of each, so far as the facts are before us, without perceiving at once the substantial and essential difference between them, and the decided superiority of the one invented by Prof. Morse."

I am satisfied that the cases of real, complete, and perfect inventions of the same thing are comparatively rare. It is undoubtedly true that nearly every patent case develops in its defence opposing claims of rival inventors, and a variety of contesting competitors for the honor of the invention. But I think I appeal to the experience of the great mass of patent lawyers when I say that, in the vast majority of cases the alleged inventions, relied on as defences, are abortive and unsuccessful experiments which never did, and, probably, never would have culminated in anything of practical value. In deciding the celebrated case of Goodyear *agst.* Day, relating to the patent for vulcanized rubber, Judge Grier used these memorable words:

"When genius and patient perseverance have at length succeeded, in spite of sneers and scoffs, in perfecting some valuable discovery, how seldom is it followed by reward? Every unsuccess-

ful experimenter who did or did not come very *near* making the discovery now claims it. Every one who can invent an improvement or vary its form claims a right to pirate the original discovery. We need not summon Morse, or Blanchard, or Woodworth to prove that this is the usual history of every great discovery or invention. The present case adds another chapter to this long and uniform history. But, notwithstanding the indomitable energy and perseverance with which this attempt to invalidate the patent has been pursued, the volumes of testimony with which it is oppressed, and the great ability with which it has been canvassed in the argument, we are of the opinion that the defendant has signally failed in the attempt to show that himself or any other person discovered or perfected the process of manufacturing vulcanized rubber before Goodyear."

I am indebted to the able argument of Mr. Storrow, of Boston, before the Committee on Patents of the House of Representatives, during the consideration of the proposed new patent law in 1878, for the following statement, which may, I think, be relied on as indicative of the same truth. Mr. Storrow said:

"It is said that many inventions are made simultaneously; that different men in different places make the same invention at the same time. That is not the fact. Undoubtedly it has happened from time to time that several men striving in the same branch hit upon substantially the same devices; but the cases are comparatively rare. The best proof of that is, that in not one of the industries (the weavers, the hosiers, the shoe trade, the steel works, before spoken of by the counsel) will you find any one man at any one time inventing a complete thing. If the invention to be made was a single distinct thing I could conceive of simultaneous inventors; but not when the perfected machine, the thing accomplished, is the result of years of work and many inventions. We have a way of ascertaining some proof about this from the Patent Office. There are filed in the Patent Office 20,000 applications a year; and I think I rather understate it in saying that each one of the patents contains three claims on an average for three distinct things — separate devices. If that be so, there are 60,000 claims filed in that office in the course of a year by men who swear that they are the original and first inventors thereof. Now, there is a process by which if one man overlaps other claimants an 'interference' is declared; and how many out of this large number are

put into interference in the course of a year? Last year was the highest number, and that was 614."

This illustration of Mr. Storrow may be further examined. By far the most common case of interference is between employers and workmen; between the man who furnishes the ideas and the man who puts the idea into a machine; between the deviser and the constructor.

It frequently happens that when two or more men are engaged in aiding each other in perfecting an invention each considers himself the real inventor, and underestimates the services of the others. Each applies for a patent for the same device. Often, too, interferences are produced by fraudulent attempts of one man to purloin the invention of another.

None of these are cases of independent inventions; and if we deduct these large classes, and that other considerable number of cases where, in the progress of the contest, it is found that no real interference exists; that the supposed competitors are really inventors of distinguishable and separate improvements, it will be found that instances of rival and contemporaneous claims between really independent inventors are among the rarities in the history of invention.

Much more might be said on this important branch of the inquiry, but we must pass to another difficulty.

It is urged, then, that the system of granting patents does not in reality "promote the progress of science and the useful arts," but that they are really obstructive of industrial improvement.

If this indictment be a true bill, it is indeed fatal to the upholders of the policy of such laws, for it strikes at a principal reason which has been alleged for their enactment.

The obstructiveness of patents is alleged to manifest itself principally in two ways. It is said, first, that the man who originates a vital idea, which lies at the basis of any given industry, has it in his power to suppress all subsequent improvements, which must, if they come into use, be grafted upon his invention. Thus, Howe, the inventor of the eye-pointed needle in combination with an automatic feed, and who thus laid the foundation of the sewing machine art, had it in his power, it is said, to prevent for fourteen years the manufacture of improved forms of sewing machines.

This supposed power, vested in the owners of fundamental patents, somewhat impressed me when the subject was first consid-

ered. Subsequent thought and experience have, however, diminished in my mind the importance of this consideration.

In the first place, the natural anxiety of manufacturers to supply to customers the best form of article in their power tends to counteract any tendency in the opposite direction. It is always known and felt that patent privileges are only of limited duration. The period of the expiration of the fundamental patent must be foreseen and provided against. It will not do for a manufacturer to follow too rigidly a set form, lest competitors succeed in securing improvements which will in the end supplant his business and render of no value vast accumulations of capital and machinery. Trade demands novelty. Popular taste can only be attracted and held by the allurements of variety and improvement. New inventions are always of more value to a manufacturer of established business, in the department to which they relate, than to any one else; and the wish to secure custom by the attractions of improvements leads to their purchase by prudent manufacturers.

At all events, under a patent system an invention becomes a thing of marketable value, and, as a rule, I believe that improvements, which can be thus secured, are welcomed and fairly paid for by business men.

I have already adverted to the fact that the majority of inventions of real value are made by practical workmen under the stimulus of the requirements of business, and often at the request of employers. The hosiery business in England is an instance of this state of affairs. It is sometimes cited as an exceptional one, but I believe it to be less so than it is thought. It was stated by Mr. Storrow before the House Committee already referred to, that "it is the practice in that industry for the manufacturers to encourage the workmen to make inventions, and the consequence is that the inventions which have revolutionized this branch of industry have been mostly made by the superintendents and foremen, the skilled workmen of the establishment.

"One of the larger manufacturers is Mr. Mundella, who has been in Parliament. Mr. Mundella said he asked one of his men who had made a good invention, and who had worked on it a good many years, as to what he would have done if he could not have got a patent. 'I should have gone to America pretty quick,' said the workman. Mr. Mundella said he had received the same answer from at least fifty men."

It was stated before the same committee, on behalf of the Shoe and Leather Association of Boston, that they were willing to adopt inventions even when they originated outside of their industry.

"The gentlemen we represent," said their counsel, "are not the owners of patents; they are not the owners of inventions, but they have desired, and do desire, to be just to these men who originated these inventions; and we must admit that they generally have been made by persons outside of the business, who had the genius or spirit of invention, and they have been adopted by manufacturers after being brought to their attention. Now, it is but just and due to the inventors, and we desire frankly to acknowledge our great indebtedness; certainly we should not now occupy our present position in business were it not for these inventions, and these inventions would not exist unless protected by some patent law."

But again, if a patent law is properly administered, the owners of fundamental patents do not acquire any absolute power to suppress subsequent improvements.

A patent grants to the inventor the exclusive right to make, use and vend the invention, but if this right is infringed, the remedy is solely within the control of the courts. The patentee must bring his action at law for the damages occasioned by the trespass, or proceed in equity for an accounting of profits, and an injunction to prevent further infringement. The recovery of either damages or profits by the patentee is, however, always limited to such portion of the whole loss to his business, or such portion of the whole profit realized by the infringer, as may be proved to be due to the adoption by the infringer of the patentee's invention. A patentee is not entitled to claim anything that may be realized by an infringer from the use of the infringer's own improvements.

Hence, so far as the infringer may be compelled to pay for his action, he is obliged to pay only the fair value of the property which he has appropriated. But he is not in any way accountable for the effects of his own beneficial modifications.

The process of injunction, it is true, might, and perhaps has been, used by the courts to suppress valuable improvements; but if this be the case, it is an evil of judicial administration under the law, and not an evil of the law itself. The too free use of the prohibitive injunction may be productive of serious prejudice to trade, but injunctions may always be regulated with wise discretion. They are never a matter of strict right; they are always within the control of the equity judge.

In Howe *v.* Morton [1 Fisher, 586], where the patent of Elias Howe for the sewing machine was involved, Judge Sprague adverted to this discretionary power of the court.

"The machines of the defendants," said he, "are supposed to embrace improvements upon Howe's, which could not be used without using the original upon which they are engrafted. These improvements may greatly increase the utility of the machine. The court will not unnecessarily prohibit a party from using his improvements. If the defendants will give security to account and pay to the complainant such sum as the court shall decree, injunctions will not issue."

This is a sound and wise policy to be kept in view. It has been sometimes forgotten. A proper balance must be preserved between the practice which would use judicial process so as to defeat the avowed motive of the Constitution and law "to promote the progress of the useful arts," and one which would withhold such just and summary protection, as can be fairly afforded, to patentees.

But, second, it is objected to the practical working of patent laws that they are often made the means of annoyance and oppression to persons in business. Grievous complaints are made on the part of both manufacturers and users of articles, that they are subjected to threats and to prosecution, under the patent laws, for dealings which they have entered upon innocently, in entire ignorance of the fact that they have been infringing upon a patent. Undoubtedly great annoyance of this kind has been endured by the business community, and wrongs have been sometimes perpetrated under the pretensions of patent rights. The owner of a patent may, under our present system, bring suits against innocent customers of an infringing manufacturer, or against individual users of patented contrivances, whose separate interests in opposing such suits are too trivial to justify a defence. A large part of the outcry against patents in this country has been made by people smarting from real or imagined injustice of this kind; from the victims of claims for infringements of driven wells, or harvesters, or farm gates.

Evils of this kind will, however, in the end correct themselves. If the claims of patentees are just, no great wrong is occasioned by compelling the user to pay for the value of the advantage he receives. If they are unjust, the remedy will be found in the wider diffusion of knowledge, and in the growth of that spirit of

association for mutual defence which has already corrected many of the oppressions exercised upon the many by the few. It was wisely remarked in the proceedings in Congress, already quoted from, that "most of the objections to the patent system resolved themselves into ignorance of what the patents are, or what the system is. The cases of hardship which you hear of, nine times out of ten, are submitted to because the party does not know enough to defend himself, or does not know enough to refuse to buy a patent which is not worth what he gives for it. If you have an excellent machine, and your operative cannot work it successfully, you do not destroy it, you teach him about it, and the remedy here is largely to disseminate education on this branch in the community, and that is being done very fast."

This latter statement it is gratifying to believe is true. Our law provides for notification of the existence of all patents by making them public records, by publishing weekly their claims as they are granted, and by requiring all manufacturers of patented articles to give notice of the fact that they are patented, by affixing to them a stamp indicating that fact, together with the date of the patent relied upon. It is moreover true that it is the growing practice for manufacturers not to enter upon any branch of manufacture until they have investigated carefully the questions which may arise under existing patents, and to keep themselves apprised of the progress of inventions, and of the issue of patents, by having furnished to them, weekly, by the Patent Office (as it is prepared to do at a small cost), copies of all patents relating to their class of industry.

Doubtless, however, there will always be cases of tribute levied upon unsuspecting persons by patentees, and "blackmail" will sometimes be demanded under pretence of a patent right. Laws will be always used by unscrupulous persons in this manner; but the fact that they are so used, if they are inherently just and tend to promote their object, cannot be urged as a reason for their repeal.

"We want government, though it entails disagreeable taxation and abuses in its administration. We must have courts of justice, though they sometimes decide wrong." [Congressional arguments, 159.]

But, again, it is contended that the pursuit of an inventor is one largely of disappointed hopes; that the Patent Office is a vast

repository of the records of wasted effort, thought and expectation; that the inventor rarely receives any compensation, owing to the expense of legal proceedings; that altogether the balance of profit and loss, to an inventor, is, on the average, on the wrong side of the account.

That the hopes of inventors often fail is proverbial. Most of them, I believe, over-estimate the importance and probable profitableness of their own inventions. It is curious to note that the very earliest account that we have in the English books of the grant of a patent is the story of a supposed discovery, which in fact ended in disappointment. It is related in the Parliament Rolls of Edward the Third "that some alchemist pursuaded the king that a philosopher's stone might be made; and the king granted a commission to two aldermen and two fryers to inquire if it was feasible, who certified that it was; and the king granted to the two aldermen a patent of privilege that they and their assigns should have the sole making of the philosopher's stone. [Note to Darcy *vs.* Allen, Moore's R., 675.] The expectations of the alchemists and the aldermen were doomed, and so are, alas! the hopes of vast numbers of inventors. But it must be remembered that many inventions are of small things and only call for small returns, and it is yet to be proved that there is a greater proportion of *total* failures among inventors than in other departments of business. Not one man in ten succeeds in any of the ordinary pursuits of trade. Not one venture in fifty yields a return. The law of all development and growth is a law of many failures to a single triumph. So it is nature. A thousand acorns utterly perish while one perfect oak is grown. A myriad creatures have had their little day, and died, in the progressive development of species. This law of apparent universal waste of force in the operations of nature is the riddle of the philosopher.

The skeptic cites it as a proof of the absence of the all-wise and personal government of God. The Christian poet has answered in the glowing thought that all is not lost that seems to die, but that — only,

> "So nature, in observance sweet,
> Like Mary, breaks the fragrant spice
> Of treasured life upon His feet,
> Not waste, but, costly sacrifice."

In harmony with this thought it is to be observed and con-

sidered that failures of inventors are not total failures, and that the system which stimulates them to invent, even though for a time they produce nothing valuable, is not a useless one. He who is induced to commune intently with nature or with art learns other lessons than those immediately proposed. The eye which is strained to pierce the mist, that shrouds one object, catches side views of others. Mental training, sharpened perceptions, clearer understanding of difficulties and their remedies, result from setting a motive before the inventive faculties.

Though efforts are for a time fruitless, yet the labor is disciplinary. Mr. Chauncey Smith stated before the committee of Congress, in 1878, an important truth when he said:

"It is often through failures that men learn how to succeed. Watt said it was a great thing to find out what could *not* be done. I have often been astonished at the great amount of scientific and technical knowledge possessed by our mechanics, at the acuteness of their observations, the activity of their imaginations in forecasting results, and their fertility in expedients and the soundness of their judgment in all things pertaining to the properties of matter, and the laws and operations of nature. They carefully watch for the results of the labors of scientific men in their fields of research. They are familiar with what has been achieved in those fields, and are diligently laboring to turn their knowledge and acquirements to practical account. It is no unusual thing to have a common mechanic, explaining some invention of his own, refer to the researches and discoveries of such men, for instance, as Tyndall and Sir William Thomson. It is to our patent law, which has given to such knowledge a practical value in the hands of these men, that we are indebted for the possession of the most intelligent and skilful body of laboring men in the world — a body of men who, having overcome the disadvantages to which this country was subjected by its want of capital and cost of labor, has placed within our grasp, as I fully believe, a large share of the manufacture of the world."

But space forbids us to answer in detail other objections to patent laws that have been discussed. The expense of patent litigation is a notorious evil; but it is an evil of administration under the laws, and not a vice in the principle of patents. It can, and, I believe, will be, remedied by the introduction of more simple and summary forms of procedure. The uncertainty of

rules for the recovery of damages for infringement has been dwelt upon as a wrong, but it is a fault of detail. The new patent law, already proposed to Congress will, I am satisfied, after consideration, remove much of the difficulty.

The complaint that patents raise the price of commodities is asserted and reiterated, but is generally untrue. A patent never does raise the price of a new thing; for, being new, it had no former price. Large numbers of patents are in the line of labor-saving machinery, which always diminishes the cost of production, and cheapens selling prices. It could be shown, by an examination of all our principal industries, that the tendency of patented inventions has been, nearly everywhere, to increase the wages of the workmen, while it diminishes expense to the consumer.

Having now considered some of the principal objections to the policy of patent laws, it remains to point out some of the advantages of the system. And first, a patent is not only a stimulus to invent, but it is the reward of the publication of the invention. The inevitable tendency of the absence of a good patent law is the attempted concealment of inventions.

In Prussia, *a very defective* system has had that effect. Count Bismarck, in his message to the North German Parliament in 1868, admitted the practice of secrecy by inventors as "a recognized fact," and attempted to argue from it that patents might in Prussia be wholly abolished without further detriment. It is said that the famous Prussian steel manufacturer, Mr. Krupp, relies upon secrecy for the protection of his business. This attempted secrecy is of immense detriment both to the public and to inventors — to the public, for obvious reasons if the secrecy is effectual. This was the case with the invention of silver electro-plating, probably practiced by the father of Mr. Bessemer, the steel manufacturer, and not rediscovered or practiced until many years afterwards by the Elkingtons. To an inventor, because the attempted secrecy is rarely effectual. Mr. Bessemer, the son, was asked what he would have done in regard to his celebrated steel process if there had been no patent law. "I never would have spent a pound of my money or an hour of my time."

"Would you not have worked in secret?"

"How could I work in secret an invention requiring a plant costing a million, and requiring a great many hundred men to run it?"

An English manufacturer, who was asked the value of the secret practice of invention, said, that he was not sure that a pot of beer would disclose any secret process, but he knew that two pots would.

As bearing upon the question of the benefits of patent laws, there is to be noted a remarkable correspondence between the establishment of patents, the periods of growth in a proper understanding of their nature, and in liberality of treatment to patentees, and the times of progress of mechanical and scientific industry. The end of the last century and the present one has been the great era of mechanical improvement; and it is precisely this period that has witnessed the establishment of the patent system. Though the patent law of England was placed on a definite footing by the statutes of monopolies in 1623, patents were for a long time few in number. In the first fifty years hardly as many patents were granted, and in the 115 years from 1675 to 1790, the year of our first patent act, only 1,684 patents issued, an average of less than 15 a year. Previous to the time of Lord Eldon in England, about the beginning of this century, patentees were still regarded in the courts of law rather as creatures of royal bounty, and nearly as much subjects of criticism and disfavor as the monopolists of the Elizabethan age. "Language was sometimes employed by judges," says Mr. Coryton, "in the application of the doctrine, which would at the present day be considered highly unconstitutional." [Coryton on Patents, p. 33; *ex parte* O'Rielly, 1 Vesey, Jr., 119.] . . . "A narrow and jealous spirit was suffered to prevail in dealing with the results of commercial enterprise and manufacturing skill." . . . "The nature of the patentee's privilege drove him frequently into courts of law, and during this early period almost constantly to his disadvantage."

I remember no case where a patent was sustained by the courts prior to the last half of the 18th century. [Dolland's case, 1766, 1 Webb, p. C. 43.]

Even as late as 1785, the patent of Mr. Arkright for his celebrated cotton spinning machinery, one of the greatest gifts to his country, was held invalid and cancelled on technical grounds.

"To the patentee alone no margin was conceded for possible error. An unapt title to his invention, an ill-judged word in its description, an incautious experiment, the least disclosure of his secret before letters sealed, and his privileges were at an end.

Technical rules framed with other objects, and unsuited to the case, were rigorously applied by those who saw in it only the relation between the sovereign and the subject, and adjudicated on the maxims of the common law, as applicable to royal franchises and grants, while the merits of the invention, or its effect on public policy, rarely engaged attention." [Cory. on Patents, p. 48.]

But in the end of the century a more liberal spirit began to pervade the country. Watt had invented his steam engine in 1763. It had been patented in 1769. In 1775, Parliament had extended the term to 24 years, and in 1799 it was sustained by the courts [Hornblower *v.* Boulton, 8 T. R., 95] after a mistrial in 1795 [2 H. B., 463]. Mr. Justice Buller, in 1787 [Turner *v.* Winter, 1 T. R., 602], stated an opinion which showed the turning of the tide in favor of patentees.

"Whenever," said he, "it appears that the patentee has made a fair disclosure, I have always had a strong bias in his favor."

Lord Eldon, in 1800, laid down the doctrine that "the patentee is a purchaser from the public," a doctrine, as Baron Alderson said, that involved the principle that "patents are to be considered as bargains between the inventor and the public, to be judged of on the principles of *good faith*, as are all other bargains."

This development of a true appreciation of the rights of inventors was not a mere change of sentiment, but followed upon a better understanding of the nature of trade, and of the proper province of laws in relation to it. As early as 1767, the rising spirit of intelligence had shown itself in the House of Commons in a resolution against the old laws relating to forestallers and engrossers, which had so long formed a part of the English system.

While these forms of interference with trade were abolished, the policy of granting patents was approved and enforced.

The announcement of the decisions in the last decade of the century was felt in the growth of inventions. From 1790 to 1800, the average number of patents rose to 70 a year; from 1800 to 1815 they averaged 100. In 1830 they were 150. In 1840 nearly 600; in 1852–3, the first year of the patent law amendment act, 2,420. The present number is about 3,500.

All will recognize these periods of increase as contemporaneous with industrial progress. The present century has produced more than all other centuries of English history put together. Trade and the facilities of trade have increased in the last fifty years more

than in all the history of the world besides; and this amelioriation has been by means of and because of patented inventions. The spinning frame, the power loom, the steamboat, the locomotive, the improved printing press, the Bessemer steel process, and numerous others, attest the close relation of patents.

Simultaneously with the new tone of feeling in England came the establishment of the patent system in the United States and in France. In France it was born with the spirit of freedom. It was the decree of the French National Assembly of 1791, that, "not to regard a discovery in industry as the property of the discoverer, would be to attack the rights of men in their essence." [Coryton, p. 37.]

Our industrial progress has been developed *pari passu* with the increase of patents and the liberality of their treatment. The notable inventions that America has produced during the present century are familiar to all. I need hardly mention Whitney's cotton gin, Woodworth's planer, Blanchard's machine for turning irregular forms, Howe's, Wilson's, and Batchelder's sewing machines, Morse's telegraph, Goodyear's vulcanized rubber, McCormack's mowers and reapers, Simpson's submarine cable, Edison's duplex and quadruplex telegraphs, Colt's revolvers, Hoe's printing press, steam pumps, paper bag machinery, nail and pin machines, and all the countless appliances which minister to modern life.

The decades of inventive activity have been marked by a parallel increase in the number of patents. Prior to 1836, we had granted only about 10,000 patents; since then, upwards of 200,000; and it will be seen, on examining statistics, that the material growth of the country has been largely proportioned to the increase of inventions. I have not space to state figures, but some exceedingly interesting ones were placed before the Congressional Committee of 1878. Now, what does the fact that our manufacturers increase with the number of patents show? It would be a narrow view to contend that the patent system has been the cause of all of our material progress. There has been abroad within the present century a widespread spirit of activity, which the learned German historian, Von Ranke, calls the Genius of the West — "the spirit which converts nations into disciplined armies, which makes roads, constructs canals, appropriates the seas, covering them with ships, colonizes distant continents, explores the arcana

of nature, occupies all the domains of knowledge, and renews them with ever added achievement."

But it may be, at least, contended that the statistics show that patent systems are in accordance with this spirit of achievement; that our manufacturers are using newly invented contrivances, not depending upon old methods, however approved they may have been; that inventors find it profitable to invent, and that there is a demand for the exercise of their talents, and a market for their intellectual products; and this, notwithstanding all that is said of the fact that inventors are poor and ill paid, and are ordinarily cheated of their emoluments.

Patents and trade go hand in hand. Take away the motive of invention and you destroy an important ally of improvement. It is said that inventors always will invent; that inventions come when they are needed, and common phrase makes them to be, as it were, automatically evolved out of the necessities of business. Inventions do *not* come merely because they are needed, but because they are needed and will be paid for, and it is only by making them property, and protecting them as property, that they are worth purchase. They are influenced, like other things, by the law of supply and demand; but the law of supply and demand does not operate where there is no inducement to supply, and no payment accompanies the demand. Demand must come with purse in hand, or supply does not respond. The patent system is based upon this fundamental law of political economy. Inventions do not come when and merely because they are called for, as by the stroke of a magician's wand. Long years must perhaps be spent in study and costly experiment. A premium was offered for a steam engine by Charles II., but Watt only produced one under George the Third. A steam plow has been a desideratum for a generation, but the demand has not yet produced the supply.

Now, in closing, let me note that the longer we have experience with the patent system, the stronger are the hands of its advocates. There was a period when it became the fashion in high quarters to look askance at patent laws. In 1865, when the Royal Commission reported on the subject of patents, Lord Stanley, the chairman, said:

"The House ought, first, to have an opportunity fairly and deliberately of deciding upon the larger question which had not been submitted to the Patent Law Commission, viz., whether it

was expedient that patents for invention should continue to be a part of the law."

In 1868, in debate he said "he was convinced that the patent laws did more harm than good, and, if called to say aye or no as to their continuance, he should certainly give his vote against them." Yet to-day the papers report that the English Government is considering whether it will not lengthen the term of all patents to 21 years.

In December, 1868, Prince, then Count Bismarck, in a message to the North German Parliament, strongly indicated that it was the opinion of the Royal Prussian Government that the patent system should be completely abolished; but the German Empire has, within the last year, passed a comprehensive and efficient patent law, based in part on the English practice, and in part upon our own.

In 1868, before the Glasgow Chamber of Commerce, it was solemnly urged that patent laws "give a factitious impulse to the inventive faculty, destroy the natural equilibrium of capacities, and foster a scheming fanciful turn of mind at the expense of thoroughness and of patient working out of sound ideas." "This result," it was then said, "has actually occurred in the United States, where the factitious value attached to invention has tended to produce an almost total sacrifice of solid workmanship, and a flimsy ingenuity."

In 1876, however, Sir William Thomson, President of the Mathematical and Physical section of the British Association, in reporting upon our Centennial Exhibition, said: —

"If Europe does not amend its patent laws, America will speedily become the nursery of useful inventions for the world."

Mr. Hulse, the English judge of textiles, at the Centennial, reported to Parliament: —

"As regards the extent of invention and ingenuity, the United States were far ahead of other nations. I do not remember any exhibitor who had not features of novelty and ingenuity to claim in the machines he exhibited. The extraordinary extent of ingenuity and invention existing in the United States, and manifested throughout the Exhibition, I attribute to the natural aptitude of the people, fostered and stimulated by an admirable patent law system."

And again: "One cannot fail to notice the great fertility of

invention displayed in America, and the *excellent workmanship* obtained by the joint effect of their tools, machinery, and skilled workmen. . . . The American patent law must be admitted to be most successful, and the beneficence of its working was very amply illustrated throughout the American section of the Exhibition."

For many years the opponents of patent laws have cited Switzerland as a prosperous state without a patent system, but which freely availed itself of the inventions of the world. Its artisans were said to need no stimulus to invent other than the ordinary competitions of trade; and its freedom from patent monopolies was to them an oasis in European legislation.

But in 1876, our universal Exhibition opened the eyes of the Swiss themselves to the benefits of patents. Mr. Edward Bally, one of the Swiss Commissioners and himself a large manufacturer, addressed a paper to his co-patriots, in which he said:

"We must introduce the patent system. All our production is more or less a simple copy. The inventor has no profit to expect from his invention, no matter how useful it may be. It is evident this absolute want of protection will never awaken in a people the spirit of invention, but on the contrary, accustoms them to copy, more and more, that which belongs to their neighbors, and that is not to the honor of the country. The want of protection for new inventions is a disadvantage to us. The State ought not to hesitate to add to its resources this new resource; but at the same time, we must remember that an invention is valuable in proportion to the facility with which it can be made available. And so it is essential that the grant of patents be accessible to inventors of the most moderate fortunes. America has shown us how, in a few years, a people in the midst of circumstances often embarrassing can merit by its activity, its spirit of enterprise, and its perseverance, the respect and admiration of the whole world, and acquire in many respects an incontestable superiority. May our sister Republic serve as our model in this."

Do not, therefore, the teachings of experience pronounce the policy which has created, upheld, and liberalized patent laws, on the whole, a just and a sound one — a policy which ought not to be abandoned, but one which should be enforced by the more general diffusion of an understanding of their meaning and scope, and by the simplification of practice and remedies relating to them?

"I have seen," says Mr. John Stuart Mill, "with real alarm, several recent attempts, in quarters carrying some authority, to impugn the principle of patents altogether — attempts which, if practically successful, would enthrone free stealing under the prostituted name of free trade, and make the men of brains, still more than at present, the needy retainers and dependents of the men of money bags."

THE SEWERAGE OF THE SMALLER TOWNS.

AN ADDRESS BY GEORGE E. WARING, JR.

(Read Thursday, September 11, 1879.)

I propose to consider the subject of the sanitary drainage of the smaller towns, which, whether they have city charters or not, are, in their physical characteristics, more like villages than like the larger cities.

It seems to me that the difference of conditions between large and small towns, so far as relates to the removal of their waste matters, has not been sufficiently considered in arranging plans for their drainage; our best drainage engineers have gained their experience and have formulated their practice in connection with works in large, populous and prosperous towns, where much of the area is covered with buildings and with pavements, where the frontage of private property is short, and where the cost of extensive works may easily be borne. When such engineers are appealed to to furnish plans for the sewerage of the smaller places now under consideration, they quite naturally apply to the work the skill, experience and judgment which they have acquired in their larger practice. As a result, the projects for the sewerage of these country towns are either not carried out because of the great expense that the work would entail, or, among other disadvantages, they are carried out at a cost which leads to the long-continued embarrassment of the community.

All things considered, it is safe to say that the question of the cost of these sewerage operations is hardly less important than that of their sanitary efficiency. It is extremely important, not only that the work be well and properly done, but also that it be done in such a manner as to interfere as little as possible with the financial prosperity of the community. Inordinate outlay in one direction

implies restricted outlay in others. Sewers which are so costly as to embarrass the municipal government entail a restriction of necessary expenses in other directions which have a more or less direct influence upon other aspects of the sanitary question.

In order to judge what is the best course to be pursued in arranging for the drainage of a town of limited population, limited wealth and relatively large area, it is important to consider carefully the different offices which sewers are intended to perform, and the relative importance of these offices.

Public drainage works generally have for their object the removal of storm-water, of excessive soil-moisture, and other foul liquid wastes proceeding from private houses and from factories, slaughter-houses, etc. It is no part of my present purpose to discuss the question as to the relations of these different elements of work in a large city. In considering the case of a small town, their relative importance covers the very basis of all our calculations. Certainly, no town, with wide, unpaved streets, with considerable land about most of its houses, and with a population of limited wealth, would think of constructing an expensive system of large sewers for the sake of getting rid of the storm-water which falls upon its surface. Such storm-water often produces inconvenience, and on rare occasions it does damage to public and private property; but, so far as my observation goes, there is not a small town in the country where this inconvenience might not be avoided, and this occasional injury remedied, for very much less than the interest upon the original cost of a comprehensive system of large sewers.

Large sewers which are made of brick, or of pipes with imperfectly cemented joints, serve an excellent office as a means for the outlet of soil-moisture. That is, they make excellent underdrains. Occasionally, but not always, while they serve as underdrains in wet weather, they leak out contaminating sewage into the soil in dry weather. Considered with reference to their action in removing soil-moisture, they are extremely costly. The work which they perform in this way might be secured for an infinitely smaller outlay by an independent system of soil-drains. Then, too, in many cases, if not in the majority of cases, the soil is naturally of such a character as to render their action in this regard unnecessary In these instances the *constant* effect of their porosity or leakage would be an injurious one.

Of the three offices of a system of sewers, the removal of domes-

tic and manufacturing waste is not only by far the most important consideration, but it is, in many small communities, the only one which is worthy of a moment's consideration. A town of twenty thousand inhabitants does not contemplate the construction of a system of sewers to get rid of its rain-water or to get rid of its soil-water, but because it finds itself harassed on every side by the accumulation of foul organic matters, whose decomposition produces an immediately deleterious effect upon the health of the population, and a shameful and annoying nuisance. I shall assume, for the purposes of this discussion, that this latter consideration is the *only* one which need enter into the argument; that it is simply a question of removing household waste, the outflow of factories, chemical works, dye-houses, etc., and all other liquid or semi-liquid matters of which the organic constituents may undergo offensive and dangerous decomposition if retained within the limits of the town, — and a question of the efficiency and economy of doing this by the use of large sewers or of small sewers.

In my studies and observations on this subject I have been very slow to withdraw from the conviction, universal some years ago, and still adhered to by many among the more experienced men of the profession, that the most efficient drainage of a town is to be secured by the use of sewers constructed and arranged to receive all or nearly all of the rainfall. While I do not, even now, altogether abandon this conviction with reference to large cities, I believe that I have sound reasons for the faith to which I have slowly come, that in the case of the smaller towns the separate removal of the foul drainage only is as much better than the former practice as it is cheaper. I will take, as an illustration of my meaning, the case of a town in New England with a population of about twenty thousand, for which a plan has recently been prepared that contemplates the admission of storm-water to the sewers. The arguments used by the engineer in his report to the authorities are based upon a comprehensive review of the best that has been written on that side of the subject. His smaller branch sewers, even those extending into short streets with very few houses, are twelve inches in diameter. The collecting sewers are considerably larger, and the main outlet, which is of great length, is more than five feet in diameter. It is not necessary to consider in this connection the utility and importance of the larger sewers, but the arguments concerning the twelve-inch pipes are instructive. With reference to the

cleansing capacity of the flow and the calculations of grade and size, we are repeatedly told that the assumed velocity, upon which thorough flushing must depend, is based upon an amount of discharge that will cause the sewer to run *half full*. The rate given is three feet per second. Now a twelve-inch sewer, running half full and having a fall of one in three hundred (needed for a velocity of three feet per second), would discharge nearly half a million gallons per day. I assume that the outflow of the average of houses in such towns does not exceed thirty-three and one-third gallons per day per head of population. It would therefore require a population of about sixteen thousand to fill a sewer of this size, and lying on this inclination, half full, supposing the flow to be uniform day and night. If we assume that one-quarter of the daily flow is discharged in three hours, — between eight and eleven in the morning, — the sewage of about eight thousand persons would fill the sewer half full at least once a day, and this would suffice for flushing purposes. Eight thousand persons would probably occupy over sixteen hundred houses, and, theoretically, it would require this number of houses to furnish sewage enough to keep the twelve-inch pipe in good condition. As in the case in hand, there is probably no instance where a population of five hundred is to be served by a twelve-inch pipe, we must assume that it was contemplated to depend entirely upon the rainfall to keep the sewers properly flushed. Did rain fall in sufficient quantity and at sufficiently frequent intervals to secure this result, this part of the difficulty would be overcome. But often many weeks elapse during which no storm-water whatever enters the sewers. This is, too, generally at the season when decomposition is the most active, and when its effect upon the atmosphere is the most injurious.

It is very well understood that sewage matters, if removed within twelve or even twenty-four hours after production, generate little, if any, injurious gas, and that if they lie longer than this they become increasingly dangerous and offensive. Therefore, in the present example, the sewers being all of a size which the household flow is by no means adequate to cleanse, and the rain-water cleansing being very intermittent, we should have, practically, throughout the whole year, an accumulation of decomposing organic matter within the sewers, which every consideration should lead us to avoid.

Furthermore, the admission of surface-water from ill-kept or

from unpaved streets results in the carrying into the sewers of heavy earthy matters which the ordinary flow is incapable of moving forward to the outlet, and these are largely intermixed with horse-droppings and with other organic matters, which, so far as they remain within the sewers, cannot fail to be subject to the gravest objection. Whether or not the difficulty increases as we pass from the smaller sewers to the larger ones will depend very much upon the gradient or inclination of these latter. If they are steep enough for an active current, most of the foul substances which they receive may be carried forward to the outlet though the flow may be only a few inches in depth. If, as is very often the case, the land through which they pass is nearly level, and their gradient is very slight, they accumulate rubbish more and more until it becomes necessary to cleanse them by hand or by the use of mechanical appliances. During the whole time that this foul matter lies in the branch sewer or in the main it is necessarily undergoing decomposition. It is producing the condition which has given to ordinary city sewers the frequent appellation of "elongated cesspools." I believe that this condition is inevitably inherent in the character of all large sewers which are not furnished with such means of thorough flushing as will be adequate to sweep them entirely clean, from end to end, — and at intervals not longer than twenty-four hours, — of all earthy or organic matters which may have gained access to them. I believe that such sewers as are ordinarily used in large cities are, for reasons stated, extremely objectionable, and that they can be made satisfactory only by the general introduction of the most copious flushing appliances,—with a completeness which has never been adopted, and which probably has never been contemplated, in this country.

I believe that for the smaller towns, such as we are now considering, storm-water sewers are not only inadequate to the work for which they are designed, but are absolutely injurious, — to such a degree that it sometimes becomes a serious question whether they do not do more harm than good. In other words, I believe, not only that these large unflushed sewers, when applied to the uses of scattered communities, are extravagant in cost, but that the injury which they are capable of working may far outweigh any advantage that they may secure. They remove, without injury to public and private works, the water of heavy rains, and so they do good. But, on the other hand, they do not remove, they only

conceal from sight and store up in a most dangerous condition, foul matters, which had much better be left to decompose on the surface of the ground in full exposure to sun and air. Better the absolute stink of dirty streets than the dangerous gases arising from unventilated accumulations of rotting filth.

So far as the removal of storm-water is concerned, nothing more need be said in this connection than has already been said, namely, that it costs more than it comes to. I know of no instance, even when the grades are steep and the soil subject to wash, where the injury done by the heaviest storms bears any proportion to the interest on the cost of such gigantic engineering works.

Regarding these large sewers as out of the question for our purpose, I venture now to suggest what seems to me a satisfactory substitute for them. I begin with the idea that the most costly and the most dangerous scavenger that a city can employ is the rain that falls upon the surface of its streets. Under proper municipal control the organic matter deposited in the streets may easily be confined almost entirely to the droppings of horses, and this material has a value which will go a long way towards paying the cost of its immediate collection and removal. Even were this not the case, the necessity for performing such work regularly and systematically, with a view to the preservation of the purity of the atmosphere of the town, needs no argument.

There are exceptional cases, where the surface flow of the streets, accumulating in valleys, may require some special means for its removal. But even here it will often be cheapest and safest to arrange the surface conformation and the pavement of the necessary street surfaces so as to secure its removal above ground. It may occasionally be necessary to construct underground sewers for its secure discharge. These exceptional cases do not, of course, affect the main argument. So far as the sewers themselves are concerned, which it is proposed to furnish to a town of the class under consideration, we have *only* the sanitary question to regard. Our aim should be to collect all foul outflow from private houses and other establishments, in the most direct and immediate way, and to carry it, within the shortest time possible, to its final point of disposal beyond the limits of the town. The sewers should be adjusted to this work, and to no other; and every pipe of the whole system should be swept entirely clean, at least once a day, leaving nothing to decompose and contaminate the confined atmosphere within it,

except such matters as may attach themselves, as slime, to the walls of the pipes; and the amount even of this sliming should be as much as possible reduced.

These ends are to be secured by making absolutely tight sewers of a size proportionate to the service which they are to perform; by giving these, so far as practicable, a uniform descent; by gathering the branch sewers into collecting drains, and mains which are only large enough for the purpose, and by carrying the outlet of the whole system to a suitable point of discharge. There should be nowhere in the whole course of any one of the drains an opportunity for halting and decomposing by the way; no depression where the flow may at any time slacken, to deposit silt and gradually form a hardened accumulation, lessening the capacity and injuring the channel of the drain.

Those who have not considered the subject have little idea of the discharging capacity of small pipes. The following calculation is suggestive. A pipe six inches in diameter, having an inclination of four inches in one hundred feet (a fall of one to three hundred,) has a capacity of discharge of nearly two hundred gallons per minute, or twelve thousand gallons per hour; or between eight and eleven in the morning of thirty-six thousand gallons. If one-fourth of the daily flow is discharged in these three hours, then the daily capacity of this sewer would be one hundred and forty-four thousand gallons. Suppose, now, that each household numbers five persons, and that the consumption of water or the amount of outflow is thirty-three and one-third gallons per head per day. Suppose, too, that the sewer is to run at no time more than half full, a six-inch sewer on such a grade would then serve for the drainage of over four hundred houses. Allowing a width of only twenty-five feet for each house-lot, this six-inch sewer would suffice for a street nearly half a mile long, built up on both sides.

It has been amply shown by experience that the sectional area of a drain which receives numerous branches need not be increased in proportion to the combined capacity of those branches, for the reason that additions to the stream, if introduced at proper curves, add to the velocity of the flow, and increase the discharging capacity. A computation of the capacity of collecting and main drains needed to discharge the outflow of a number of six-inch drains, conditioned as I have described, would show very much smaller sizes than would generally be supposed.

Until recently, the objection has existed to the adoption of so small a size as six inches diameter, that it was found necessary in order to remove the accumulation of deposit at the upper ends of sewers, where the flow is slight, to adopt some system for hand-cleansing; and this cannot well be done in a six-inch sewer. More recently the adaptation to the flushing of sewers of the automatic siphon-tank of Rogers Field, of London, has so far removed this objection as to reduce the risk of obstruction to insignificance. Sewers of this size should receive no inlet from any source more than four inches in diameter, and this should be the extreme limit of size of all connecting drains throughout their whole length. Any solid matter which could find its way through a four-inch drain would surely be swept on by a copious flow through a six-inch sewer.

The use of the Field flush-tank promises to lead to some radical modifications of sewerage practice. Briefly described, this tank is a vessel of any desired capacity, placed at the head of a drain or anywhere in its course, and receiving the outflow of several houses, or, better, where a small contribution from the public water-supply can be secured, receiving pure water. When it becomes filled, its stationary, automatic siphon comes into action and discharges its whole contents with great rapidity, producing a flow adequate to the thorough cleansing of the drain or sewer into which it discharges. The tank being discharged, air is admitted to the siphon, and it remains inoperative until its reservoir is again filled, when a second discharge takes place. If properly protected against the admission of grease and coarse matters, this tank needs little, if any, attention. It is always on duty, retaining all that comes to it until full, and then discharging its contents with a cleansing flow. The contributions to it may be copious or slight, without affecting the regularity and promptness of its action.

I am not prepared to say that with the aid of the flush-tank it will be safe to do entirely without man-holes to give access to the sewers, but I *believe* (and I have some experience upon which to found my belief) that it will be safe entirely to avoid these expensive appliances; or, at least, to place them only at such long intervals as may be necessary to supply air for the ventilation of the sewer.

Aside from its sanitary advantage, the use of this small size of sewer will be very much cheaper than that of the large sizes now

employed. I regard the economy, however, as less important than the cleanliness and rapid delivery which the smaller size must secure. Not the least of its benefits is to be sought in the more thorough ventilation which even limited ventilating appliances would effect in a small pipe than in a large one, for the reason that the amount of air to be discharged is very much less; that the rapidity of movement of an equal quantity of air is much greater; that the air-space above the flowing stream is subject to a much greater fluctuation in proportion to its volume; and that from its smaller volume it is more susceptible to the impulse of differences of temperature in the water flowing through the drain, and of friction.

The adoption of small and cleanly flushed sewers, furthermore, is of importance in the case of sewers which deliver into harbors or into rivers. It is an accepted standard of extremely foul sewage that it kills or drives away the fish which existed before the waters were contaminated. Such contamination is due, not to the introduction of organic matter, but to the introduction of organic matter in an advanced stage of decomposition. Leaving out of the account the effect of the outflow of chemical works, etc., recent sewage, — the fæces and kitchen waste of dwelling houses, etc., — so far from being injurious to fishes, is welcome food for them, and all who have watched the outlets of house drains into streams of water must have noticed the avidity with which all their solid contents are devoured. We are not now considering how this would affect the value of the fish for human food; but even on this point, if we recall the diet of the barn-yard fowl, we need not be too severe in our condemnation. It is undoubtedly true, that if the whole of the organic wastes of the town could be delivered into a stream within twelve hours of the time of its production, the fishes of that stream would become its complete and efficient scavengers. Not relying, however, upon this means of disposing of town sewage, we have to consider the whole question from an engineering point of view.

The investigations made years ago in many of the larger towns of England where water-closets are used, as compared with those where water-closets are not used, showed, chemically, very little difference in impurity. This has long been taken as an argument for paying the same regard to street waste that we do to household waste. But this conclusion implies a condition which is never admissible in any well-regulated town; that is, that the street shall

be allowed to become as offensive as the water-closets. What I desire to impress upon your minds is the obvious fact that, in one way or another, the surface of the streets should be kept absolutely clean, and I would ask you to consider favorably my opinion that they may be much better cleaned by other means than by washing their dirt into elongated cesspools underneath them, and allowing it there to remain and decompose, to our great injury.

The street dirt and storm-water being set aside, we get rid of the chief engineering difficulty of the whole problem of disposal, which is *a great variation in the volume of the sewage.* The outflow of private houses, hotels, factories, etc., is pretty nearly uniform in its quantity. It varies but little from day to day, and scarcely at all from week to week. If, on the other hand, we attempt to admit floods of rain-water into our system of sewers, the volume is subject to fluctuations so enormous as to upset all our calculations. Ordinarily the flow will be far too little properly to employ the works which we have prepared to deal with it; at other times these will be taxed to their utmost, and whether our means of disposal be agricultural or chemical, we are sure to have too great a volume at times, and a relatively insignificant quantity as a rule. The importance of this branch of the subject when sewage is delivered into water-courses is trifling, but the time is coming, and in some places it has come already, when the rights and requirements of our neighbors further down stream must be respected to the extent of purifying our sewage before we deliver it into water which flows to them.

These troublesome fluctuations in the quantity of the sewage being eliminated from our problem, it is a very simple matter to make provision for chemical or agricultural treatment in such a way as to prepare for the gradual increase of outflow which will accompany an increase of population. The quantity with which we have to deal being a fixed one, it becomes a simple matter to adjust our works to the duty to be performed. It will then be easy to manage the question of river pollution, and we shall have saved enormously in the cost of construction. For example, in the village of Lenox, in Massachusetts, it was found that the only stream to which the sewage could be carried was the Housatonic river, some miles distant, over a difficult country. To lay an outlet sewer to the Housatonic would cost much more than the whole fund available for drainage purposes. Storm-water being excluded from the

sewers, it became easy, with the help of the flush-tank, to establish a system of subsoil irrigation in a field near the town, and the whole work was completed in a satisfactory manner for less than the expenditure that had been contemplated. It has been working steadily and regularly and well since its construction, several years ago.

At the Reformatory Prison for Women, near South Framingham, Massachusetts, the delivery of sewage was into a stream which found its way into the water supply of the city of Boston. The daily outflow is between twenty-five thousand and thirty thousand gallons. There was no means by which this could be carried to an unobjectionable river outlet without an inordinately large outlay. Had the amount of sewage to be treated been subject to such variations as occur in towns where rain-fall is admitted to the sewers, this would have been the only recourse. The quantity being practically uniform, it was easy and economical to establish a system of sub-irrigation disposal upon the limited grounds of the establishment, in such a way as to overcome every objection.

While on this question of sewage disposal, it may be well to describe briefly the sub-irrigation process which is now promising such good results. The principle upon which it works is this: All soil has a very considerable power to extract and withhold organic impurities from water which passes through it. That is, all soils in their fresh condition are good filters, more or less good according to their composition and drainage. If a foul stream flows constantly through any soil, the accumulation of organic matter clogs it, obstructs its action as a filter, and makes it increasingly foul. The great purifier of all filters is the oxygen of atmospheric air. A mass of earth, which would become foul under an uninterrupted addition of organic matter, will become entirely purified by oxidation, if the same quantity of impurity be added in a short time if it be spread over a wide surface, and if it be left for a sufficient time subject to the oxidizing process.

In the sub-irrigation system, as applied in practice, the outflow of the sewer or drain is caught in a Field flush-tank, and held there until the tank is filled. It then discharges itself into common agricultural drain-tiles laid only ten or twelve inches below the surface of the ground and having open joints. The discharge flows on through the various ramifications of the system of drains, leaking away at every joint, until the whole discharge from the tank has

settled into the ground and has more or less saturated it. The water of the liquid settles down by its own weight to the drains or into the porous earth below, leaving its impurities attached to the surfaces of the interior particles of the earth. As the water of saturation settles away, fresh air enters the soil, and the oxygen sets up that slow combustion of organic matter which is its great purifying office the world over. In due time the earth has become purified, the flush-tank has again filled itself, and a fresh volume of sewage is delivered into the drains. This description is hardly more simple than is the process itself; and it must seem absurd to those who are not familiar with it, to suppose that it is capable of dealing with the troublesome problem of the purification of sewage of a town. I have come to believe that its capacity is almost unlimited, and I am sure that for those towns which may properly be called "village-cities," it offers almost universal relief.

The use of agricultural drains in this way was the invention of the Rev. Henry Moule, the originator of the earth-closet. The value of an intermittent discharge in the application of sewage to the soil is the suggestion of Dr. Frankland. The combination of the two was the natural outgrowth of observation and ingenuity. I believe that the system was first introduced in this country in a systematic manner, in the grounds about my own house at Newport, in 1870. It has gradually worked its way, as experience has indicated its capabilities, until, in 1876, I did not hesitate to apply it for the whole sewage of Lenox; and it is now accepted, I believe, by all who have given attention to it, as being entirely reliable, economical and efficient.

We must not forget the very important question of the ventilation of public sewers, which it seems to me is less adequately treated than any other branch of the work to which attention has been given. Concerning the large sewers of cities, opinions vary, and there is no occasion for me to express my own here, further than to say that I regard what are called "perforated" man-hole covers as an ineffective attempt to carry out the system of man-hole ventilation which is so much and so justly commended. Nothing less than a coarse iron grating, whose spaces are at least equal to its solids, will answer the purpose.

Much reflection on the subject has convinced me that, were it possible to enforce the regulation, no means of sewer ventilation can be nearly so effective as that of connecting every house-drain

which joins it, without the intervention of a trap anywhere in its course, with an open soil-pipe, reaching above the roof of the house. To be efficient this system must be compulsory and universal. If the authorities of a town have the right to assess private property for the construction of sewers, and to establish the conditions under which private persons may connect with them, they surely have the right to make it one of those conditions that this open ventilation shall be given, and to impose as severe penalties as may be necessary to protect itself against any interference with the ventilating action of each connection.

Could this system be carried out in connection with the small sewers which I have described, we should have a small volume of air contaminated only by the decomposition of the slight sliming of the walls of the sewers in open connection with the atmosphere at the outlet or outlets, and at the occasional man-holes, and through a tall and somewhat heated soil-pipe in every house along its course, connected in such a manner as to secure a constant and efficient change of the atmosphere of the whole system of sewers and connections.

In judging of the advisability of this system we must dismiss from our minds the sort of air with which we are familiar as escaping from the limited vent-holes of the foul public sewers common in our cities. The sewers which I am now recommending will at no time contain organic matter in an advanced stage of decomposition. They will contain at no point any accumulation of solid matter. They will be frequently flushed to the height at which their current may deposit a slimy coating, and they will be constantly swept by a movement of fresh air supplying oxygen for completing an immediate decomposition, rendering putrefaction and fermentation impossible, and diluting and removing, as fast as it is formed, the slight amount of resulting gas. They will not be sweet. Their contained atmosphere will not be fit to be admitted into a living-room; but they will be so infinitely less foul than the common sewer of the present day that there will be no objection to discharging their air above the roofs of our houses. I venture the opinion that within ten years this system of sewerage and sewer ventilation, or its equivalent, will be universally accepted as the best, at least for our smaller and more sparsely built towns.

I have still a word to say concerning the removal of soil-moisture, and the thorough under-drainage of the sites of our towns. I fully

endorse all that has been said in its favor, and I fully accept all that Dr. Bowditch and others tell us of the enormous and fatal disadvantage — so far as our national disease, consumption, is concerned — of its absence. I only protest against the use of public sewers for this purpose. They may properly afford an outlet for water brought to them by suitable under-drains, but they should never, under any circumstances, act as absorbent drains themselves. Where the inclination of the surface is sufficient it is an excellent plan, so far as possible, to lead the outflow of under-drains into the flush-tanks by which the sewers are to be cleaned. Where this is not possible they may be led to man-holes, or to special branches of the sewer, the connection being so arranged as to prevent sewage from flowing back into them and leaking out through their open joints into the soil.

As I am speaking upon my own specialty I shall, I trust, be excused for attaching greater importance to it, and for according it wider advantages than are recognized by those who are less familiar with it. I would not underestimate the benefit of a public water-supply, but I think that we may, to a certain extent, weaken the *sanitary* argument in favor of introducing extraneous water for the supply of a village. This sanitary argument is based upon the contamination of drinking-water wells by infiltration from private vaults and cess-pools.

I would abolish absolutely and totally, by compulsory public enactment, every form of private vault and cess-pool, and make sure that all outflow from every house, good or bad, rich or poor, should be carried immediately quite outside of the town by a system of perfectly tight and impervious sewers and drains. I would leave nothing within the limits of the town which could act as a source of well-water contamination. The cause being removed the effect must cease. There being no longer a source of foulness in the soil there will soon be no contamination of the water. In all cases the introduction of sewers must follow if it has not preceded the introduction of a public water-supply. In some cases, at least, the introduction of sewers would render the introduction of a public water-supply unnecessary.

I have now sketched, hastily, as one must on such an occasion, the general features of the plan of sewerage that I propose, and the leading reasons upon which the recommendation is based. I am sure that there are those in my audience who utterly disagree with

the doctrines that I have advanced, or who doubt the soundness of my position. I hope that they will not hesitate to express their objections or their doubts, to the end that we may secure such light as comes of free discussion.

INDUSTRIAL ARBITRATION AND CONCILIATION.

BY JOSEPH D. WEEKS, OF PITTSBURGH.

(Read Friday, September 12, 1879.)

It is not the object of this paper to discuss the relation of capital and labor, further than may be desirable to indicate the lack and to enforce the necessity of some efficient system for the relief of our industries from the burden of industrial strife. I realize that it is at the expense of completeness of argument, that I exclude the discussion of some of the questions that these relations suggest, but I must suffer this, that I may better keep in view the one subject to which I wish to give prominence — industrial arbitration and conciliation.

While the present constitution of industrial society continues, differences will arise between employer and employed. With no better methods of harmonizing these differences than those to which resort is generally had, they will grow to disputes and end in strife. Sometimes these contests are justifiable — oftener not. But in every instance when the battle has been gained and the contest decided (a decision very rarely the result of judgment and reason, but one forced by other considerations), what has been gained, what decided? A battle has been fought, a victory won, or a defeat suffered. That is all. And what is a victory won under such circumstances worth? For what does it count in the light of our civilization? Have 6,000 years of toil, with this labor problem ever pressing, found no better judge, no kindlier umpire than brute force? — than hunger and greed? At the end of every strike or lockout there is always one practical problem that loudly and urgently demands a solution — to find out some means by which the existing organization of industry, not some system yet to be devised, can be made to work without these wasteful contests that are so frequent as to seem well nigh an essential part of the system. The future may be hopeful, may have in it the perfect solution of the labor problem, but we need a system that shall take labor as it

is and capital as it is and their relations as they are, that shall prevent their differences from becoming disputes, that shall settle contests if they arise, or at least shorten their duration and mitigate their horrors; that shall give passion time to cool and permit reason to assert its sway, and thus give time and opportunity to discuss the future organization of industrial society in which there shall be no place for strife.

I believe that arbitration and conciliation is such a system. Not that it is the solution of the labor question, only on the road towards it. As Rupert Kettle, one of the ablest and most earnest English advocates of arbitration, says, "It is the best system yet devised for adjusting the relative rights of masters and men under the present constitution and action of their joint productive power."

In discussing whether arbitration and conciliation offers our industries such a system, it may be well to ask:

1. What is the problem that presses for immediate solution?

2. Have boards of arbitration and conciliation, where they have been established and fairly and faithfully tried, solved this problem without strikes and lockouts?

3. Do these boards give hope that from them and their operations shall grow juster and more harmonious relations between the capitalist and the laborer?

As to our first point. The question that most largely enters into industrial contests is the wages of labor. The questions that are constantly arising in every workshop are, in nearly every instance, directly or indirectly, questions of wages, piece work, eight hours, half-holidays, over-time, quality of metal, speed of machinery, dampness of yarn, apprenticeship, introduction of machinery, free house, free coal, and scores of others are essentially questions of wages. That class of questions that give rise to strikes and lockouts, so happily termed by Judge Kettle "questions relating to matters of sentiment," are to be excluded from this category, but these are happily less frequent in this country than in others where the dominant and servient relations are retained, both in form and words. The contest may be broadly as to the basis of computing these wages, or narrowly what shall these wages be in a given case. In either case it is evident that labor is not satisfied with the solutions given. It accepts the result, be it a victory or defeat, only as a temporary expedient and anticipates and prepares for future struggles. The basis of this dissatisfaction is a belief that in the

division of the product of the joint action of labor and captal, labor does not get its fair share. The complaint is both against the division and against the plan upon which the division is made. This complaint grows in intensity with each struggle, and accumulates power with each succeeding year. The form of the complaint is changing, however. It is growing less and less hostile, and is developing into an earnest, dignified demand that, as between the laborer and the capitalist, the employer class, if you will, some more equitable plan shall be adopted for apportioning the ultimate product of their joint action. The perfect answer to this demand is the solution of the wages problem.

Answers to it are not wanting. The socialist, the economist, the philanthropist have their views as to the plan to be adopted. To the first or last, the manly, honest workman answers that he is not a pauper. He neither demands aid from the State, nor does he ask alms of his fellow. He demands as a right that he receive the best price, yes, the highest price for his wealth-producing power. To the economist, who tells him that the equitable, logical plan is found in the free action of the law of supply and demand, that his proportion of the ultimate product of the joint action of capital and labor is determined in accordance with this law, in the open market, he answers with the question — granting that labor is a commodity to be bought and sold, how under existing arrangements can you apply this solution to my demand? Where is the labor market where buyer and seller can congregate, and where can be carried on what Adam Smith terms the "higgling and bargaining of the market." The price due to supply and demand is not indicated by a single transaction made in private, nor in a multitude of such transactions, but in a multitude made publicly. A year hence these private transactions may become known, and then we can tell what the market was to-day, but this is of no practical value to the laborer who wishes to sell his labor to-day. What he needs is some labor exchange where numerous buyers and sellers can come together, with its bulletins, with its authentic information as to abundance or lack of orders, its figures of accumulating stock, competition, and the other elements that determine supply and demand, and out of the multitude of whose transactions one can deduce the mean which is the state of the market. Is there any labor market, our workman asks, except as an abstract idea? Is it not folly to say that the transactions between an individual and

an employer in the privacy of a counting-room, with hunger and want forcing the laborer, perhaps, to accept what is offered — is it not folly to say that such a transaction, or any number of them, constitutes in any sense that is a practical one an open labor market, where the law of supply and demand has free action? Even if it did, must industry halt or accept wages below the market until out of the thousands of these individual transactions the true market be established? No number of private bargains can make a market open, free. The problem that presses for immediate solution is to find such a market where the wages of labor can be adjusted without waste or delay.

I believe that boards of arbitration and conciliation similar to those established in the hosiery, glove and lace trades of Nottingham, or in the manufactured iron trade of the north of England, furnish the nearest approach to a free, open labor market that has yet been established; that in such boards buyer and seller can come together, learn the character of the influences that rule the market and so get at its true condition and thus determine what is the fair price of skilled labor for the time being.

This leads to our second question. Have boards of arbitration and conciliation, where they have been established and fairly and faithfully tried, solved the problem; that is, have they furnished an open market where the wages of labor have been settled without strikes and lockouts?

Unfortunately for our industries, the answer to this question must be sought abroad. There is but one board of arbitration or conciliation in existence in this country; that is in the cigar trade of New York city.* The formation and rules of this board are very unlike those of the English boards. There is also, or was, a board of arbitration in the shoe trade of Massachusetts, but under its organization the employers have no representation, and in other features it materially differs from the arbitration boards of England.† It should be said also that when questions of labor have arisen in certain trades, it has been customary to form conciliation committees for the emergency, which have discussed and endeavored to decide these questions. This is notably true in the iron trade at

* The rules of this board, with the report of an arbitration conducted under them, were published in the New York Tobacco Leaf of July 19, 1879. The rules will also be found in The Iron Age of October 2, 1879.

† See the eighth annual report of the Massachusetts Bureau of the Statistics of Labor for an account of this board.

Pittsburgh. In the same sense as practiced in England, however, arbitration and conciliation have no existence in this country. A word as to the formation and methods of these English boards* may not be out of place, although they have been described in papers read before this association.

First, it is important to distinguish between arbitration and conciliation. Though the former is the word most commonly used in referring to the system, there is an essential and important difference between arbitration and conciliation, and in this difference is to be found in a large measure the secret of success of these boards and the reason of their continual existence.

Arbitration deals with the larger questions of the trade; conciliation with the smaller; arbitration with the whole trade; conciliation oftener with the individual. Conciliation is not formal, it does not attempt to sit in judgment and decide in a given case what is right and what is wrong, but its efforts are in a friendly spirit to adjust differences by inducing the parties to agree themselves. It removes causes of dissensions and prevents differences from becoming disputes by establishing a cordial feeling between those who may become parties to the same. Conciliation, in a word, may be defined as "informal arbitration."

Arbitration, on the other hand, is formal. It sits in judgment. It implies that matters in dispute by mutual consent or by previous agreement have been submitted to arbiters and an umpire whose decision is final and binding on both parties. With this distinction in mind it will be easier to understand the success of the English boards which combine both arbitration and conciliation.

These boards as organized in England are purely voluntary. They have no sanction of law, no legal existence. There is a law on the English statute books, passed in 1824, providing for compulsory or legal arbitration. This law, with one passed in 1867 and another in 1872, has never been repealed, but has never in a single instance — certainly not lately — been used. There is no forced submission of disputes, nor is there any power except a man's sense of honor, public opinion and the aggregate honor of the trades' unions or the employers' associations to enforce the acceptance of the awards, and to the honor of the parties involved be it

* A full account of the organization of these boards, their rules and practical operations, will be found in a report of investigations made by me in England in 1878, as special commissioner of the State of Pennsylvania.

said that except in a very few isolated and unimportant cases these have been found sufficient.

The boards are made up of an equal number of employers and employed, each class electing its own representatives. In some boards each establishment has a representative of each class, as in the north of England iron trade. In other cases groups of establishments elect the members, as in the lace trade of Nottingham. The officers of the boards are generally a president and a vice-president, one an employer and the other an employé, and two secretaries, one of each class. The two classes have equal influence and an equal vote on all questions. Meetings are held monthly, quarterly or less frequently, at which all subjects at issue are discussed and settled, if possible. In all of these boards there is a provision for settling minor disputes by conciliation without convening the entire board. Failing a settlement in this way, however, the dispute is referred to the board, when it is generally adjusted, unless it is a subject of some moment. Broader questions, those that affect the trade of an entire district, or of a class, are in the first instance generally referred to the board, and in case the board cannot agree, to an umpire. This referee or umpire is in some cases a regularly elected officer of the board, a standing umpire or referee as he is often termed, or he may be chosen for the decision of a particular question. His decision is final. The members of the board are clothed by their constituents with plenary powers. The expenses are met equally by each class.

The course of proceedings before the board is very simple. In case of a claim for an advance in wages, for example, the employés' representatives submit through their secretary a formal statement setting forth the reasons for the demand, such as an increase in the demand for the goods manufactured and in the selling price for the same, increased demand for labor, higher prices paid in other districts manufacturing similar goods. The representatives of the employers submit a formal statement in replying, stating their reasons for refusing the demand. With these statements before them the justice and advisability of the demand is discussed by the members. The proceedings are without ceremony. No valuable time is wasted discussing parliamentary rules. Statements are made and questioned or impeached. Proofs are demanded and forwarded. The circumstances surrounding the market and the trade are canvassed, estimates compared, statistics

set forth, the strength of competition measured, and as a result of this "higgling" and "bargaining" a price is agreed upon, or, if it cannot be, a disinterested bystander is appealed to to decide what is just and best under the circumstances. Is not this an exchange — a labor mart? Is not a price for labor arrived at under these circumstances as likely to represent the true state of the labor market as one fixed in a counting room?

It has been argued against this view that in these boards the buyer and seller are not brought together; that a representation of each is interposed between the individual who has his labor to sell and the individual who wishes to buy. This objection would be equally valid against all exchanges or marts, and against all prices fixed in them. The farmer in Minnesota who has a bushel of wheat to sell does not go to New York or Liverpool to meet the consumer, nor does the consumer go to Minnesota, but the dealer or broker in Chicago who represents 10,000 farmers meets the buyer who represents 10,000 consumers, and the sale is made in open market. The employé members of the board represent the 10,000 days' labor for sale, and the employer members those who desire to purchase this labor. Is there any difference between the arbitration board and the Chicago board of trade? Is not one just as much in accord with the laws of trade as the other? Is there any better reason why the individual workman should sell his labor directly to the individual manufacturer, than that the farmer should sell his bushel of wheat directly to the Englishman who wishes to eat it? In a word, would not the conditions of a fair, open market be as well met by boards of arbitration for labor as by the corn, cotton or stock exchange for these commodities? On this point I can do no better than to adopt the words of Judge Kettle: "I verily believe that without limiting the influence of fair competition, boards of arbitration, properly worked, afford the best means of fixing the market price of a fair day's work."

The practical part of our question still remains. Have these boards where they are in force solved the particular phases of the wages question presented to them without strikes and lockouts! As the result of a most careful inquiry and investigation I do not hesitate to answer, yes! Further, I am forced to accept the testimony of the very able and intelligent men who have been prominent advocates of arbitration, such men as A. J. Mundella, one of the members of the House of Commons for Sheffield, Judge

Kettle, Thomas Hughes, Lord Derby, David Dale, and among the representatives of labor, Thomas Burt and Alex. MacDonald, who represent the coal miners in Parliament, the late John Kane and Edward Trow, the representatives of the iron workers' union, George Broadhurst and George Howell, the present and past secretaries of the Trades Unions Parliamentary Committee. These and many others who have been connected with these boards in one capacity or another without exception, declare that in the way of settling troublesome and difficult questions of wages without strikes and lockouts, arbitration and conciliation have accomplised all their friends have claimed for them.

The question of its success in this respect has often been clouded by a false issue. The true issue is: Has the system succeeded in the trades in which it has been tried, not in those in which it has not been tried? It may seem that I am framing a man of straw to knock over. That I am not, the following extract from a recent issue of a prominent trade journal will show: "Our objection to them" (boards of arbitration) "is * * * that they will rather tend to increase both strikes and lockouts. Great Britain has numerous boards of arbitration, and yet there were 181 labor strikes in that country in 1877, and 277 in 1878."

The two trades in which arbitration and conciliation have been longest in use and have been used most systematically and continuously are the hosiery and glove trade of Nottingham and the manufactured iron trade of the north of England. Previous to the establishment of boards of arbitration in these trades they were in constant ferment arising from labor troubles. Luddism had its christening if not its birth in the former, and there were three labor struggles in the latter in the year previous to the formation of its board. In the hosiery and glove trade since 1860, the year its board was formed, there has not been a general strike, nor a single difference about wages that has not been settled amicably. As to the north of England iron trade, an article in the *Colliery Guardian* of London, of February 14, 1879, states that since the organization of its board in 1869, "There has been industrial peace in the district. Except in one isolated case every decision of the umpires in the iron trades has been acquiesced in with unanimity." Now here is the evidence of two trades in which it has been fairly tried, in one case for twenty years and in the other for ten years, two trades that in their character are very

unlike. If the above statements are true, and they are susceptible of proof, it is a sufficient answer to the question of success. Though there may have been a thousand strikes in the Lancashire cotton trade, where it has not been tried, I fail to see what that has to do with the question of the success of arbitration. Though there may have been 277 strikes in other trades the question at issue is, have there been any in the hosiery and glove trades at Nottingham, or in the manufactured iron trade of the north of England? Has it not saved 50,000 Durham miners and five times 50,000 dependent upon them from the horrors of an industrial war? Is not the fact that strikes and lockouts are frequent in other trades and not in these, an argument for arbitration and conciliation rather than against it?

Our third question still remains: Do these boards give hope that from them and their operations shall grow juster and more harmonious relations between the employer and employed? If they do not, their effect can only be temporary. Here again I know of no better way of arriving at a correct answer than by asking those who have been connected with these boards to give it. I will not detain you with the very many opinions on this point that I might quote. The experience in the hosiery and glove trade at Nottingham may be regarded as a type, and the testimony is that the benefits its board of arbitration and conciliation has conferred upon the trades are incalculable. A most friendly feeling has taken the place of hostility, and confidence and mutual respect exist where formerly all was suspicion and hatred. Strikes and lockouts are unknown. The changed relations of employer and employed have been recognized. They have met about the same table as equals, and out of all this have come juster and truer views of their rights and duties, such views as will make it impossible for the old conditions to return.

And now, in conclusion, it is evident to the most casual observer that there is a feeling of dissatisfaction and unrest in the labor world that may break forth into revolution without a moment's warning. Just what the form and mode of the outbreak may be no one can tell. But to predict that there must be important changes in the relation of labor to its environments in the near future requires no remarkable foresight. For one I confess I do not see clearly the outcome. But this I do see, that it is possible to bring about such antecedent relations between the capitalist and the

laborer that when it does come it will be peaceful, not warlike; that it will not take the form of Mollie Maguire outrages and Pittsburgh riots. There is a power in the ranks of labor that is too well organized to be ignored. With a force so numerous it is necessary to come to terms. The policy of repression will not always suffice; nor will this force always allow itself to be ignored. Is it not better to persuade it to lay down its arms, and to make a better use of its power than in many cases it has done? Is it not better to accept the organization and continuance of unions as inevitable, and endeavor to make them, in the language of the Count of Paris, "a new element of productive power and an earnest pledge of peace?" Something must be done, and if the world is wise it will see that it be done in the interest of industrial peace. To this end I appeal to the representatives of both capital and labor, that in this country the method of reason — that is, arbitration and conciliation — have a trial at least in the settlement of industrial disputes.

JOURNAL

OF

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CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATION.

NUMBER XI.

MAY, 1880.

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1880.

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PREFACE.

The Papers printed in this Number complete the list of such as have been selected for publication from those read at the Saratoga Meeting in 1879, — some of the omitted papers being withheld from publication at the request of the authors, and the rest for other reasons. It has never been the custom of the Association to print all the Papers read at its meetings, or to give more than an abstract of the discussions. The present Number also completes the publication of what was promised the subscribers to the Publication Fund of 1879. It is marked No. XI. in the series, the preceding Number, published in December, 1879, having been erroneously marked No. IX, when it should have been No. X. Members who have the number published in December, 1879, will please note this correction, and those, if any, who have not received the number can do so upon notifying the Assistant Secretary, Walter Channing, M. D., Brookline, Mass.

An explanation is due to the writers of Papers read at the Saratoga Meeting of 1877, which the Executive Committee proposed to print in the winter following. The necessary arrangement was made with a publisher, and a selection from the papers was placed in the hands of an editor who had undertaken to bring them out. For some reason he failed to perform his undertaking, and yet retained the manuscripts so long in his possession that it was impossible to comply with the understanding upon which the publication was to be made. Two of these Papers, — those of Prof. Amos and Prof. Baldwin, — are included in the present number. The others have been recalled by the writers.

The Publication Committee hope to issue the Papers to be read at the Saratoga meeting of 1880, before the close of the calendar year, if the state of the Publication Fund will warrant it. The Proceedings of the Annual Conference of Charities will also be published and distributed to members of the Association, as in

former years, should the opportunity be afforded by the Secretaries of the Conference, which will meet this year at Cleveland on the 29th of June, for a three days' session. It is understood that all members of the American Social Science Association have the privilege of attending the meetings of this Conference, although they are now held at a different time and place from the meetings of the Association.

The Publication Committee would call the attention of all members to the amended Constitution, printed on page xxx. of the present number, and to the announcement of the Saratoga meeting of September, 1880, which follows it. It is hoped that all members will avail themselves of the opportunity to take part in the General Meeting at Saratoga, and that the special meetings called in connection with the quarterly sessions of the Council in December, 1880, and March, 1881, will be attended by such members of the Association as may find it convenient. The new organization of the Association renders such meetings practicable, and they will be found of importance in extending the usefulness of the Association.

BOSTON, May 8, 1880.

ERRATA—Page xxxv., Prof. Henry is deceased.

Page 61, the "local debt, 1878," of New Jersey should be $47,000,000; of Iowa, $7,967,963. This changes the totals at the bottom of the page to $550,652,326, and $139,999,394. These totals, the former of the Eastern, the latter of the Western debts, should be substituted on page 62. The excess of Eastern local debt then becomes $410,652,932. The increase of the two debts is to be changed on page 62, accordingly, and in the summary of State and local debt on page 62, the Eastern total should be $638,720,594, instead of $628,223,316, and the Western total $166,793,267, instead of $172,825,910.

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TRANSACTIONS OF THE ASSOCIATION, 1879-80.

During the Saratoga meeting of 1879, several Papers were read before the Association and its Departments, which do not appear either in this number of the *Journal*, or in No. X. (incorrectly numbered IX. on the cover), published in December, 1879. A list of all the Papers read will be found in the early pages of No. X. Among those omitted is the Annual Report of the General Secretary, but since some portions of that Report contain information which the Publication Committee think it well to print, a few extracts from it are here subjoined:

FROM THE REPORT OF THE GENERAL SECRETARY.

(Read at Saratoga, September 9, 1879, by F. B. SANBORN.)

The American Social Science Association, which was organized in October, 1865, now includes members in more than half the thirty-eight States of the Union. A few local societies have been organized, and of late years these have taken the form of State associations, notably in Illinois and Indiana. The New York State Charities Aid Association is practically a social science body, limited in its work to the questions treated by our two Departments of Health and Social Economy. These three State societies are all managed by women, and they are at present more constantly active than our own Association, which may be regarded as their parent. The number of our own members has never been large. We began in October, 1865, with about 150; these increased in 1869 to nearly 600, then fell away in 1872–3 to less than 200, and now number between three and four hundred. The Illinois Social Science Association, only two years old, has probably more members than ours. Of course, with so few laborers, the harvest we have gathered in these fourteen years has not been enormous. We have chosen to plant new fields rather, or to renew old fallows, leaving them to be tilled and harvested by other hands. Our Association, acting as a whole, or through committees, or by its individual members, is responsible since 1865, for what has been done in the United States for civil service reform; for the organization of public charity on a better basis in many of the States; for the establishment on this side the ocean of schools which teach the deaf to be no longer dumb; for improvements in the census and statistical work in general; for introducing nurses' training schools; for planting the germ of the Boston Art

Museum, one of the best in America; for creating many State boards of health, and finally, the national board appointed last spring; for maintaining a sound policy in regard to the currency and the national debt; for keeping up a wholesome agitation of the prison-discipline question, and organizing several new reformatory prisons, particularly those in New York, Massachusetts and Indiana; for enlightening the people in regard to the curability, classification and best treatment of the insane; and for many acts of good legislation in the several States which our Association has promoted.

Thirteen years ago Mr. Edwin Chadwick, the veteran sanitary reformer of England, and one of the founders of the English Social Science Association, wrote to me in praise of our action, and expressing his belief that we could do as much in America as had then been done in England. He went on to say:

"The English Association serves to prepare questions for legislation. Our Parliament has more to do than it can do properly — at all events, by amateur legislation within the usual time of its sittings. It can only give, sometimes, not more than a day's attention to large subjects, which can only be developed by the attention for considerable periods of persons specially interested in them. The larger public meetings of our Association are attended by persons of all parties, and, indeed, of no political party, and without any of the heats and animosities, the bigotry or the exclusiveness displayed on political platforms. I hope your new institution may be the means of getting important questions discussed for which there is no sufficient time or means in your Legislatures. The annual meetings in different parts of the country will serve to bring persons who give their attention to special subjects, as sanitarians, educationists, law reformers and political economists, into personal communication with each other."

The anticipations of Mr. Chadwick have been fulfilled in the history of our Association; yet it has been much hampered and limited in its action by the small number of its members and by its scanty income. Seldom have more useful results been attained at so small an expense; but a little greater outlay in publication would have made our results appear much more conspicuous. Never, I will venture to say, has an institution so meritorious as ours been more modest. It worked in secret; its right hand did not know what its left hand was doing; and it still waits for the fulfilment of the Scripture promise, to be rewarded openly.

Those who remember the call, issued by the Massachusetts Board of State Charities in August, 1865, for the first meeting of our Association in Boston, will no doubt recollect that it dwelt mainly on the philanthropic side of Social Science, with some slight reference to its statistical aspect. Perhaps it has been too much the fashion, both here and in England, to regard our new science as but another form of philanthropy. Horace Greeley, at our

Albany meeting in 1869, spoke of Social Science as "the diffusion of knowledge, virtue and happiness." This definition does not please the French and English patentees of that recent metaphysical invention which they call "Sociology;" nor does it satisfy the exact student of science, who has been taught to divorce his wishes and aspirations from his perceptions, while he is investigating nature. To many of these scientific men the possibility of a *social* science is not yet demonstrated, and if it were, they would draw a broad distinction between such a science and philanthropy. Their business is, they say, to see things as they are, not as they might be or ought to be. Agassiz cultivated both natural and social science, and it would not have satisfied Agassiz, I suppose, to be told that the study of geology was simply a virtuous or an agreeable pursuit, or that it tended in a general way to the diffusion of knowledge. He saw in it something more definite and important,—the record of uncounted ages, written on tables of stone, in no doubtful hieroglyphics, by the very finger of Creative Wisdom. Here are the sibylline books whose infallible characters, as soon as we can read them aright, disclose the future as well as the past; and geology is called a science because it enables its students to predict while they prescribe. In astronomy Prof. Peirce finds the same rule holds good, that science teaches its students to discover unseen worlds by the observed perturbations of planets, and to foretell the eccentric motions of semi-occasional comets.

An American writer says, "The great test of true science is the possibility of successful prediction, and its most perfect illustration is that given by astronomy in the verified predictions of the movements of the heavenly bodies." "Science," he adds, "has invaded the domain of human society so little, as yet, that in most of the branches relating to law and government, prediction is not thought of, except in an empirical way, as a forecast of things likely to happen in the future, from what has happened in the past." It is probable that this writer leaves too much out of view what we call ethics or moral science, which proceeds by strict deduction, if not by intuition, and which has much to do with the science of society. Still, for the present, we must admit that the term "science" cannot be applied to our pursuits, in the same sense that it describes the researches of the geologist, the chemist and the astronomer. There is a margin in social science for much besides the close inductive or deductive processes by which a Newton, a Faraday or an Agassiz arrives at his splendid results.

Yet the methods of acquiring all human knowledge are essentially the same, though the matter investigated prescribes its own form of inquiry. The conduct of a nation in a grave political crisis is not to be calculated like the elements of an eclipse; yet it may be foreseen within certain limits; and so, too, with the lesser problems that Social Science has to consider. And many of these problems are in their nature both scientific and philanthropic—

those, for instance, which Col. Waring and Dr. Russell will bring before us at this Saratoga meeting.

Let me dwell for a moment on two other points.

1. This Association has always disclaimed all responsibility for the opinions advanced by individuals at its meetings, either in the papers read, or in the ensuing debates. When inviting persons to read papers, as our custom is, the aim has been to select those who possessed special knowledge, and held positive opinions concerning their subjects; but it has not been sought to array this knowledge or marshal these opinions for the triumph of any theory of politics or political economy. Certain practical measures in government, such as a reform of the civil service, a return to the constitutional currency, by the resumption of specie payments, an improved method of taking the census, etc., have been favored by the Association from time to time, but without trenching upon the really open questions about which our members have always differed, and perhaps always will. Upon these questions, also, individual expressions of opinion have been welcomed because it is chiefly by such statements, fairly presented and courteously met, that useful discussion is carried on. We have not aimed, however, at "a fugitive and cloistered virtue," as Milton said, which should meekly avoid debate and devote itself to abstract meditation or random theorizing. We have only sought to avoid those aimless and fruitless controversies wherein the disputants can neither agree upon premises nor tolerate an honest difference about conclusions.

2. In selecting topics and writings for its General Meetings, the Association has been as impartial as possible. It has not always balanced one view by another at the same meeting, because this is not always feasible; but it has invited and listened to the most diverse expression of opinion. Thus in December, 1865, at the first General Meeting after our organization in the preceding October, the chief American advocate of protection, Henry C. Carey, of Philadelphia, was invited to address the Association, and he took occasion, as he was expected, to set forth very forcibly the advantages of a protective tariff. At the last General Meeting in Saratoga, (1877,) we invited gentlemen with convictions no less positive on the other side to present their argument in papers. Mr. Horace White and Mr. J. S. Moore did so, with much ability. But we also invited for the debate well-known protectionist writers, such as Prof. Thompson, of Philadelphia, and Mr. John L. Hayes, of Boston, and, had they been able to accept the invitation, they would have had ample opportunity to controvert the arguments of Mr. White and Mr. Moore. So, too, with regard to what used to be known — before the administration of President Hayes — as "the southern question" — which was for two years debated at Saratoga, and upon which, in 1877, three southern gentlemen of eminent ability — Mr. Randolph Tucker, of Virginia, Mr. W. L. Trenholm, of South Carolina, and Gen. T.

M. Logan, now of Virginia, but originally of South Carolina — read papers that attracted attention in all parts of the country. They were criticized, both in our meeting and in the newspapers, as they well might be — but they were able, frank and courteous, and they stated very clearly what seems to be the prevailing opinion in the section to which these writers belong. Nothing more plainly shows, and probably nothing else has done more to convince the public, that our Association is national in fact, as well as in name, than the circumstance that three such essays could be read and received as these were at Saratoga in 1877.

This year another phase of the southern question will be brought before us, not by the gentlemen of Virginia and Carolina, though these will be welcomed here for its discussion, but by those who a few years ago wore the badge and felt the stigma of slavery. I doubt not the colored men of the South will speak as eloquently next Friday as their former masters did two years ago, for eloquence is a southern gift, without respect to race, color or previous condition of servitude. But, should their argument fail in its rhetoric or logic, their condition and inheritance will silently plead their cause better than the most skilful orator. Napoleon, at St. Helena, walking one day with a thoughtless Englishwoman, met in a narrow and steep path some laboring women carrying burdens upward. The emperor stepped aside to let them pass, the Englishwoman was expecting them to make way for her, when Napoleon drew her aside with some brusqueness, saying, "Respect the burden, madam!" (*Respectez au fardeau madame.*) It will be well for us to remember what patient and laborious race is addressing us, when Frederick Douglass raises his voice in behalf of the people of his own color at the South.

It may be added in this connection that, while the Paper of Mr. Douglass is printed in full in this number of the Journal, Prof. Greener's reply, not being furnished by him in full, could only be given, in parts, by an abstract. The Publication Committee regret this, but found it unavoidable.

In consequence of the interest attaching to some of the proceedings of the Annual Meeting last January, and in order to keep the members of the Association fully informed of the business at its meetings, it has been thought best to print here a brief report of the meeting in Boston, at which the Constitution was amended, and notice was taken of the death of two distinguished members of the Association, Mrs. PARKMAN and Dr. WINES.

The Annual Meeting of the American Social Science Association for 1880 took place at the rooms of the Medical Library, Boylston place, Boston, January 14. The meeting was called to order by Mr. Sanborn, of Concord, who said that, in the absence of President Gilman, Prof. Wayland, of New Haven, would preside. In assuming the chair, Prof. Wayland welcomed the members, and, after congratulating them upon the convenient arrangements for the meeting, called for the Secretary's report.

THE GENERAL SECRETARY'S REPORT.

Mr. President and Members of the Association: —

I appear before you today with some diffidence, not to say embarrassment, having, as I supposed last September, positively and finally withdrawn from your service as Secretary, — uttered my farewells and composed myself, not without the satisfaction that a school-boy feels at the beginning of a long vacation, — to welcome my successor, and try the experiment of sitting as a listener at our meetings. I assure you, Mr. President, I have great capacity for listening and for silence, little as you may think it, — but you have not allowed me to exhibit that pleasing trait. I was persuaded by those whom I could not well refuse, that I might continue to act as Secretary without performing so much active duty as heretofore, and I was bidden to engage an assistant secretary and lay my burdens upon him, according to the good old proverb, which I hope the young men like as well as we do, — *Juniores ad labores*, — as we translate it, "*Other men* for counsel, young men for war." In plain English, your Executive Committee have made me consent to serve as your General Secretary for some time longer (if you choose to elect me), with the understanding that I may appoint an assistant secretary, subject to their approval. I have, therefore, appointed Dr. Walter Channing — a name well known in this city and elsewhere — as

my assistant, with the approval of the committee, and he has been for three months aiding me in the Secretaryship. Should the amendments to the Constitution, this day proposed, be acceptable to the Association, and should your choice fall upon me, this arrangement will be continued; otherwise my original purpose of retiring will be carried out. In either event, I shall be content, and shall remember with pleasure the cordial relations that have existed these many years between you and your Secretary.

Yet I cannot deny that the gradual removal by death of those with whom we have been accustomed to meet on these occasions, has very sensibly affected my own heart. Without being less interested, as I trust, in what we have to do, are we not conscious of weakened courage and diminished enthusiasm for these labors, as those to whom we have looked for encouragement and fraternity are, one by one, stricken down at our side? Within the month of December two of our companions in former years, — Mrs. PARKMAN and Dr. WINES, — have died; the one after a lingering illness, the other suddenly, and yet, for his own work, in the fullness of time, having just completed what he often looked forward to as his final undertaking.

MARY ELIOT PARKMAN was the daughter of the late Edmund Dwight, of Boston, and by her mother was connected with the family of Eliot, so honorably known wherever the name of Boston is mentioned. Favorably placed by her birth and family connection, she early acquired the accomplishment of a liberal education in books and in society; was happily married, and the centre of a friendly circle. But she was soon left a widow, and then, from the nurture and training of her own children, her affectionate spirit reached out to care for and benefit those less fortunately placed. Mrs. Parkman was one of the earliest of our members, and served for many years on our board of directors; but, of late, illness and the pressure of other cares have withdrawn her from these and from her other public work, and it is nearly two years since she met with us. She will be remembered by all who had the felicity of her friendship as a singularly intuitive, direct and earnest woman, too generous to use unsparingly her keen-edged wit and her clear perception of true and false; a gifted person, destined for happiness, but whose gifts brought more pleasure to others than to herself.

Dr. WINES had been our associate at intervals since 1867, and

met with us in Boston a year ago. Illness detained him from our Saratoga meeting, and he felt, too, the burden of his closing work resting heavily upon him. He was a learned scholar, a successful teacher and lecturer, and an author of note; but he will be best known from his long and effective service in the cause of prison reform, which owed more to him than to any man of our time. He organized those successive national and international congresses to consider that subject, which have taken place in the past ten years at Cincinnati, New York, London, Baltimore, St. Louis and Stockholm. Without Dr. WINES these assemblies would never have met. The great mass of information and earnest opinion which they brought to the world's notice was mainly collected by him, or at his request, by his friends — from whom he knew how to exact as much labor as they could give — though far less than he imposed on himself. The monument of his toil is in his printed volumes, and especially in this last book soon to issue from the press, upon which he expended his time and his resources.

The Departments of Education, Health and Social Economy will present their reports this morning, and the Chairman of the Jurisprudence Department will say what is needful concerning its work. The general work of the Association has gone forward in the past year, not so fast as it ought, but with useful results, and in some directions with increased activity. We have resumed our publications, and hope to continue them; our General Meeting at Saratoga was an admirable one, and has met with a hearty response in all parts of the country. We still need more members, and more activity among those members we have; especially do we need to enlist young members, who will hold and carry forward what we have gained. Many of our members, as usual, have given themselves, in the true spirit of Social Science, to labors which benefit mankind, and, in particular, that interesting movement known as "Associated Charity," has by their efforts greatly advanced within the past year. I trust that you, Mr. President, and Mr. Paine, of Boston, who know so well what has been done in that direction, will impart what you know to the Association. There are several other topics that might be brought forward, but they will come up incidentally during our debate this day.

After the reading of this Report, a resolution of respect for the memory of Mrs. Parkman was offered by Mr. T. C. Amory, and one referring to Dr. Wines by Colonel Carroll D. Wright. Both were adopted as follows:

Resolved, — That in the death of Mrs. Mary Eliot Parkman, this Association has lost one of its most valued, and for many years one of its most active members, who early perceived and well understood how important is the work of Social Science in America, and who faithfully performed her part of it. In common with other organizations to which she gave her time and influence, we lament her death, by which so many good causes have been deprived of a warm and efficient support.

Resolved, — That the late Dr. Wines, long a member and an officer of this Association, in which he has so often pleaded the cause that lay nearest his heart — Prison Reform — must ever be admired for the sincerity of his character, the energy of his benevolence, and the rare combination of talents and industry which his prolonged and most useful life exhibited. In him has been renewed the untiring philanthropy of Howard, whose disciple he was, and whose teachings he developed into a system as complete in detail as it was far-reaching in its application.

Resolved, — That the American Social Science Association, whose founders and first promoters are gradually ceasing from their earthly labors, will be as fortunate as its aims and hopes deserve, if it shall command hereafter the services of members so devoted and so enlightened as those whom we today lament and commemorate.

Before putting to vote the resolution relating to Dr. Wines, Professor Wayland said:

The death of Dr. Wines removes from the ranks of this Association one of its oldest, most active and most valued members. To the cause of prison reform, which he advocated with such unwearied perseverance and such intelligent zeal for nearly twenty years, the loss is well-nigh irreparable. It is probably quite safe to say that no man in this country or in any country has done so much within the last two decades to elevate penology into a a real and recognized science as the distinguished philanthropist whose services these resolutions are designed to commemorate. Appointed Secretary of the New York Prison Association in 1862, he soon discovered that the blunders and abuses which so generally characterized prison management in this country could only be remedied by the general diffusion of correct information as to the causes of crime, the true object of punishment and the best means of securing the reformation of the offender. But not satisfied with endeavoring to enlighten the public sentiment of his own State on these points, the energies of Dr. Wines were speedily employed in the formation of a National Prison Association, resulting in five National Prison Congresses, held in as many different cities of the United States. In these meetings questions relating to crime, penal law, prison discipline and kindred topics were discussed by well-informed delegates from many States. The debates were fully reported, were published, and were circulated through-

out the land, awakening an ever-increasing interest and stimulating further investigation.

But the philanthropic zeal of Dr. Wines was not bounded by the limits of his own country. The International Prison Congress of London in 1872, of Stockholm in 1878, which owed their existence to his efforts, attested alike the breadth of his humanity and the respect in which he was held by the leading prison reformers in every Christian nation. And now, too feeble to continue his active labors, and having reached the age at which he might well have claimed entire immunity from further service, he devoted himself to the preparation of the work which fitly crowns his useful life, and will most honorably perpetuate his memory — "The State of Prisons and of Child-Saving Institutions in the Civilized World." The Secretary's report has already called your attention to the importance and value of this forthcoming volume. As you are all aware, Dr. Wines lived to complete it, but died while it was passing through the press. The closing paragraph contains the expression of an earnest hope that some benevolent person will furnish the International Prison Commission with the means of carrying on its work of education and reform, and concludes his enumeration of the rewards which will follow such judicious liberality with these words, which we may well apply to our departed friend: "His name will be inscribed high on the roll of fame, as the deliverer of those who 'were ready to perish.'"

Other members followed Prof. Wayland, and alluded to the efforts of Mrs. PARKMAN in establishing a Training School for Nurses in Boston, and to the characteristics of Dr. WINES. The resolutions were then adopted, and the Association proceeded with the business before it.

REPORT OF THE TREASURER.

The Treasurer, Hamilton A. Hill, presented his annual report, showing that the receipts of the year have been $1,996.59; expenses, $1,870.22, cash on hand, $126,37.

AMERICAN SOCIAL SCIENCE ASSOCIATION,

In account with HAMILTON A. HILL, *Treasurer.*

1879.	*Dr.*	
To cash paid for salaries of 1878, January and February, 1879,		$637 50
" " rent, to June 30,		225 00
" " Rand, Avery & Co., printing,		155 00
" " A. J. Wright, "		147 80
" " Tolman & White, "		342 40
" " printing, sundries,		41 45
" " office expenses, including stationery, postages, treasurer and clerk hire,		241 07
" " Saratoga meeting,		80 00
To balance to new account (cash on hand),		126 37
		$1,996 59

Cr.

Jan. 1.	By balance from old account, 1878, . .	$79 25	
Dec. 31.	" sundry fees collected, ...	1,227 00	
	" subscription to publication fund and sale of publications, ...	690 34	
			$1,996 59

HAMILTON A. HILL, *Treasurer.*

BOSTON, Jan. 13, 1880.

The report was accepted, and the Departments were then called upon for their annual Reports. That of the Educational Department was as follows:

REPORT OF THE DEPARTMENT OF EDUCATION.

READ BY THE SECRETARY, MRS. TALBOT.

Of the many subjects vital to educational progress in this country, three only will be offered by this Department for the present consideration of the Association. *First*, the result of the recent effort made by the city of Boston to begin the systematic training of girls for the higher education; *second*, some questions to be considered before steps are taken to permanently engraft technical industrial instruction upon the common school system; and, *third*, the increasing necessity for a more complete and thorough superintendence of the public schools, especially those of Massachusetts.

HIGHER EDUCATION FOR WOMEN.

The privilege of being systematically and properly fitted to pursue a collegiate course of study was so long denied to the girls of Boston, that it is with special gratification that this Department reports upon the present condition of the Girls' Latin School. Opening in the middle of the school year of 1878, under conditions likely to discourage all but the most determined, the average attendance during the remainder of that year was 28. The accessions made in the September following, brought up the average to 75, and at the opening of the present school year, the school numbered 108; therefore, in a little more than a year and a half, the number of pupils in attendance has increased from 28 to 108; although from one-fourth to one-third of those who have applied for admission have, on examination, been rejected; showing in this community an encouraging demand for the classical instruction of girls. Every applicant admitted is required to present a

certificate of intention to pursue a collegiate course of study. This course of preparatory study covers a period of six years, which the pupil should enter upon at the age of twelve years. We are informed that an excellent spirit pervades the school, and the fact that all are working with a common object — preparation for a collegiate course of study — gives an earnestness of purpose which is extremely hopeful for the continued success of the school. The teachers and scholars manifestly coöperate with one another, to make the school the best possible both in character and scholarship; while the testimony of the parents corroborates that of the pupils, in their expressions of enjoyment in their school life. The only disadvantage under which the school labors appears to be, — the lack of a proper supply of reference books in history and literature.

INDUSTRIAL EDUCATION.

Local authorities, more especially in Boston, seem disposed to take measures to test public opinion upon the subject of industrial schools. Some persons who are deeply interested in the discussion of this question desire information upon certain points.

1. Are the persons who petition to have industrial education engrafted upon our public school system, themselves artisans or the sons of artisans; such persons as would in other departments be called experts?

2. Do the parents who provide their sons with instruction in dancing, violin and piano playing, riding, swimming and rowing, also provide them with benches, tools, and competent teachers, in various industries? In other words, have the resources for industrial instruction in the homes of the people been drawn upon to their utmost, or have they been stimulated to any unusual activity by the pressure of public opinion?

3. Do the trustees of asylums and homes for orphans insist upon any systematic instruction for such helpless persons and children as come under their charge?

4. How far do the trades themselves, through their natural demands and limitations, encourage and perfect such systematic training?

These questions, together with the present results from well endowed industrial schools, such as the Free Institute at Worcester, are worthy the attention of this Association, which may well be

conservative and deliberate in its observations and conclusions on so weighty a matter.

STATE AND COUNTY SUPERINTENDENCE OF SCHOOLS.

In accordance with the suggestion made by this Department at the last meeting of this Association, we offer for your special consideration the subject of State and County Superintendence of Schools; a fitting place to present this subject for discussion, since New England, more than any other section of the country, neglects to provide for a complete and systematic superintendence of *all* its public schools. That we have good schools in New England, and many of them, is certainly true; but do not these depend upon the accidental and varying interest of small communities, instead of upon a harmonious and complete system of public instruction, which makes its life and force *most* felt where it is *most* needed, in poor and isolated districts?

This Department is indebted to the Massachusetts Board of Education, for interesting information relating to the practice and experience of thirty-one different States of the Union, touching the question of State and County Superintendence of Schools. A circular letter was sent out in October, 1879, by the Secretary of this Board, to the heads of public instruction in the various States, propounding a series of questions.

To the first question, "Have you, in your State, district or county superintendents?"—*Maine* answers, "No; but such superintendence is very much needed; the town committees act upon the go-as-you-please principle, with very poor results." *New Hampshire* has town, but no county, superintendence. *Vermont* has no county or district superintendence, and dismisses the subject in four brief lines. *Massachusetts* has no county or district superintendents, but is awakening to a sense of the need of a revision of the State law, which shall authorize such superintendence. *Connecticut* has no county or district superintendents, but has a State agent, whose duty it is to enforce the law against employing untaught children. *Rhode Island*, like New Hampshire, requires each town to elect or appoint a superintendent, but these legal provisions are complied with reluctantly in some cases, and with so little definiteness of plan or unity of purpose in others, as to greatly limit the good results which ought to be expected.

Delaware and the *District of Columbia* report, that their small

territory renders such officers unnecessary. *Ohio* has no district or county superintendents, but the adoption of this system has long been urged upon the legislature; and the educators of the State are unitedly working, with ardent hopes of a satisfactory result. From *Missouri*, we hear that "the lack of county superintendents is a *curse* to our school system, and the efforts looking to the establishment of county supervision will not be relaxed till the improvement is accomplished." This completes the list, so far as known, of States which have no systematic State and county superintendence.

New York has adopted a system of school commissioners, with which it expresses dissatisfaction, and is now seeking to substitute for this a State Board of Education, with county and district superintendents. *Kansas* has an unsatisfactory system of State and county supervision, but reports that "although the State law may be unsatisfactory, the principle on which the law is founded is correct."

Of the twenty other States heard from, *all* have adopted the system of State and county superintendence of schools, and now consider such a method "indispensable to the complete success of the public school system." Such testimony as the following, from the State Superintendent of Pennsylvania, is suggestive to every one interested in education. He says:

> This system of State and county supervision, has constantly grown in favor in this State since its adoption in 1854. Whatever of unity, power and life our system of public instruction possesses, it owes, in a large measure, to its county and city superintendents. It is its right arm, and, at the hands of these superintendents, the schools of Pennsylvania have not only experienced a reform, but have undergone a revolution.

Indiana reports "that county supervision is the most valuable school agency in the State;" *Illinois*, "that such supervision is even more useful in small towns than in cities, where the inexperienced teachers can more readily receive assistance and counsel from their associates." *Nebraska* finds this system especially useful in preventing waste of school funds. In *Colorado*, the State superintendent says, "having had considerable experience in the system we have organized here in Colorado, and in the *lack* of system which prevails in New England, I believe this to be better in every point of comparison. The West owes to New England,

and to Massachusetts, a debt, in matters educational, it can never pay; and yet, in some directions, we believe we have outgrown and improved the methods still followed by our brothers and sisters at the old homestead." When we consider the backwardness of Massachusetts in this matter of systematic and thorough superintendence of its schools, it is humiliating to read an appeal like this from the State of Louisiana, where the superintendent says: "It will strengthen the friends of an enlightened system of education in this State to learn, that the State Board of Education in Massachusetts approves and justifies the existence of county superintendents as an essential feature of a public school system."

To recapitulate, then, we find that new and improved methods of carrying forward public instruction have been adopted by all the middle States, but Delaware, all but two or three of the Southern States, (the latter since the close of the war), and all of the Western States but Ohio and Missouri. New England still follows in many respects the primitive customs of two hundred years ago, when the population was sparse and the country poor, and before it felt the thrill of the telegraph or telephone, or the rush and roar of factories and railroads. Each New England State feels, to a greater or less degree, its deficiencies, and looks to Massachusetts to take the first step in casting off the old and close fitting garment, suitable to its youth, but cramping and confining the powers of its maturity.

Acting then not from theory but from the example furnished by the long and successful experience of twenty one States of the Union, this Department recommends that the Social Science Association should give its influence to aid and encourage the friends of sound education, everywhere, in introducing such a revision of the laws in those States where it has not already been accomplished, as shall speedily secure a thorough and systematic superintendence of all the public schools, free from political or sectarian influences.

With this special recommendation this Department closes its report, assured that practical results will follow from a full discussion of a principle so widely accepted, and so essential to the harmonious and systematic development of our common schools, and the enforcement of statute laws framed with a wholesome care for the protection of the community from the barbarism of ignorance.

I have only to add that, on the request of Miss Elizabeth

Peabody, and on motion of Mr. Justin Winsor, a special committee was appointed by this Department, at the Saratoga meeting, to report to the Association "upon the work accomplished by kindergartens in this country, and the desirability of encouraging their further development." Prof. Harris, of St. Louis, Mrs. Emily Talbot, of Boston, and Dr. Henry Barnard, of Hartford, compose this committee. Further time is asked before making any report to the Association; but the subject will be brought forward in September, 1880.

A statement relative to industrial education was made by Mr. T. C. Amory, and the importance of such education was warmly urged. The need of it is shown in the fact that so large a proportion of the artisans of this section of the country are not natives of the country but of foreign birth. Too many of the young men born here are drawn away to the West in consequence of not finding employment here. The fact that persons carrying on mechanical business do not generally care to take apprentices was noted. The action of the city authorities of Boston favorable to industrial education was spoken of as encouraging, and it was stated that two funds, amounting to $500,000, would probably be available in coöperation with the project of the city, which contemplates an appropriation of $15,000 for a beginning. It was predicted that these schools would be nearly or quite self-supporting when fully organized and equipped.

Professor Whitaker, of the Institute of Technology, made a statement of what has already been done in this country relative to such schools, from which it appeared that the movement is very general. The Naval School at Annapolis, the Maine State College, Girard College, Washington College of St. Louis, and institutions in other States, were mentioned as being engaged in such tuition.

At the afternoon session, in continuation of the subject introduced by Mr. Amory, Mr. Edward Atkinson described the methods now in vogue for instruction in the mechanic arts, showing that they are defective. Special reference was made to the successful operation of the industrial department of the Institute of Technology, and it was urged that the system, with certain modifications, might be applied to penal institutions, so that prisoners would have some knowledge of a trade by which they might at the end of their term be able honestly to earn their living.

After the discussion on Industrial Education had proceeded for some time, a committee of the Association, to whom had been referred the subject of School Superintendence, reported, through Prof. Watson, of Boston, that the following Memorial ought to be adopted by the Association, and it was so voted, after ample discussion. The Memorial was soon after presented in the Massachusetts House, with the signatures appended, by Mr. Hamilton A. Hill, of Boston, and referred to the Committee on Education.

MEMORIAL.

To the Honorable the Senate and the House of Representatives of the Commonwealth of Massachusetts, in General Court assembled:

The undersigned, in behalf of the Educational Department of the American Social Science Association, respectfully petition your honorable bodies to establish a more complete and systematic supervision of the public schools in Massachusetts by the appointment of county superintendents. It appears from information obtained by the Massachusetts Board of Education, from thirty-one States of the Union, that in twenty of those States the system of State and County superintendence has been adopted and is regarded as indispensable to the complete success of the public school system.

For evidence as to the value of the method proposed, reference is made to the report submitted at the recent annual meeting of the Social Science Association, a copy of which is appended.

(Signed)

FRANCIS WAYLAND,
F. B. SANBORN,
G. WASHINGTON WARREN,
D. F. LINCOLN,
WILLIAM B. ROGERS,
CARROLL D. WRIGHT,
WM. WATSON,
THOMAS C. AMORY,
GEO. T. ANGELL,
NATHAN ALLEN,
WALTER CHANNING,
MRS. I. T. TALBOT.

BOSTON, Jan. 15, 1880.

Upon the report of this committee, the memorial was unanimously referred by the Legislature to the Board of Education, with instructions to report to the next Legislature a detailed plan of superintendence for the schools of the Commonwealth.

REPORT OF THE HEALTH DEPARTMENT.

Dr. D. F. Lincoln, the Secretary of the Department of Health, presented the following report for the year 1879:

This Department has at present no Chairman, owing to the resignation of Hon Geo. E. Waring, Jr., of Newport. A few meetings have recently been held in order to promote a proposed reform in the practice of medicine, more particularly in the State of Massachusetts. The measures which the Department favors have been embodied in a petition to the General Court, have been mentioned in the Governor's message this year, and are referred to the Committee on Health of the Legislature. There is at this moment nothing to state in regard to the plans of the gentlemen who are acting as a sub-committee for the Department, and who will exert their influence at the proper time as may seem good to them. It may, however, be well to state for the general information of the public, that this Department desire the establishment of a board of examiners, to be appointed by the Governor and Council, representing all three of the so-called schools of practice in this Commonwealth, whose duty it shall be to examine in the future all persons who intend to commence the practice of medicine in Massachusetts, and to confer licenses upon those found fitted to do so; also, that a penalty be imposed upon all found practicing medicine in the State without sanction — no such penalty now existing. Such a law as is here proposed has been found very useful in limiting quackery in Canada, and in some of our own States.

The proposed measure mentioned by Dr. Lincoln in his Report was brought up for discussion later in the day, and a Memorial to the Massachusetts Legislature in favor of some such measure was adopted, with some opposition. This Memorial was presented in the Legislature, and several committee hearings on the subject were had, but no bill was reported. The Association has appointed committees in Rhode Island, Connecticut and Vermont to consider the same question there.

REPORT OF THE SOCIAL ECONOMY DEPARTMENT, FOR THE YEAR 1879.

(Read at the Annual Meeting in Boston, January 14, 1879, by the retiring Secretary, F. B. SANBORN, of Concord.)

The report from the Department of Social Economy was then read, as follows:

Six years ago, upon the suggestion of the late Mrs. Parkman, and with the coöperation of the late Dr. Howe — both of whom, along with other rare and noble qualities, had a genius for philanthropy — you established this Department of Social Economy, in addition to the four Departments then existing in our Association. I had the pleasure of serving with those who are gone, and with others whom I see present, on the committee of organization for the new Department, at whose request I undertook the duties of Secretary, in addition to those of General Secretary, which then had very recently been assigned to me. These special duties have been performed, in one way or another, and with much aid from other members, until now, when it seems proper that a special Secretary for this Department should be elected. I therefore retire, today, from the position, asking permission to nominate as my successor, Dr. Walter Channing, of Brookline, who, in addition to the general qualifications of youth and industry, desirable in a secretary, has a particular acquaintance, from study and experience, with some of the more important subjects assigned to this Department. In excusing me from this portion of our work, you may naturally expect some account of my stewardship, which shall be briefly given.

It was assumed, at the outset of our labors in this Department that, among the many interpretations which the general term "Social Economy," might receive, we should devote ourselves particularly to that which made it synonymous with the cause of the poor; or, as Mrs. Dall expressed it at the founding of our Association, "the relation of the gifted and educated toward the weak, the witless and the ignorant." It was this phase of Social Economy that presented itself habitually to Dr. Howe and to Mrs. Parkman, and, with both, the needs of the poor implied more than could be met by the formula, "Depart in peace! be ye warmed and fed." They looked beyond material necessities to the relief of spiritual poverty by sympathy, by amusement, by the gentle and

elevating ministrations of art, and those higher influences which affection and religion inspire. "There came to Mr. George Herbert at Bemerton," says Izaak Walton, in his life of that saintly person, "a poor old woman with an intent to acquaint him with her necessitous condition, as also with some troubles of her mind. Having with patience heard and understood her wants — and it is some relief for a poor body to be but heard with patience — he comforted her with his counsel; but, because that cost him nothing, he relieved her with money, too, and so sent her home with a cheerful heart, praising God and praying for him." May we never carry Social Science or "associated charity" so far as to forget this personal charity, upon which our whole social economy depends for its warm life-blood.

Following this general course of philanthropy, our Department gave much time, in its first and second years, to the subject of Homes for the People in cities, and amusements for those who occupy these homes. The first paper submitted by the Department Committee was on the last-named topic, and was written by Mrs. Parkman. It was short, and by no means exhausted the subject (or the reader, as some of our papers do, I fear), but it sounded the key-note in a few striking passages. After suggesting public tableaux, with poetical and humorous recitation "by some high-spirited, sweet-voiced person" for the free entertainment of poor people, Mrs Parkman said: "Let us try to furnish their memories and imaginations with some of the traditions that are winning and stately and potent in our own. To do this effectually, it must be done sympathetically; and, if well done, it may at once amuse the poor, and cause them and us to feel that they are of one blood with ourselves." Of late, and particularly during the last year, these early investigations of our department have been discontinued, since they had been vigorously taken up by others. Much of our activity has gone, latterly, into the work of the National Conference of Charities, which Mrs. Parkman also had some share in calling together, nearly six years ago, at New York. The twig our department then planted has taken deep root and become a vigorous tree, growing quite beyond the space we could afford it. In order to explain clearly what this Conference is, and how related to our Association, I reported upon it at some length to the Saratoga meeting last September, and with your permission, in advance of its publication in the Journal of Social Science, I will distribute a

few newspaper slips of this report, which I happen to have, among the members now present, instead of taking time to repeat what was then said.* In the same Saratoga report you will find mention made of the closing work of our late colleague, Dr. Wines, whose death we so much lament, and whose book no member of our Department, no student of Social Economy can afford to neglect. In 1874, Dr. Wines joined with some members of our Department Committee in a report on his own subject of Prison Reform, but since then has carried on his great work separately, with such occasional aid as we could render him in the organization of meetings and the collection of information. Our Department also united with others in obtaining the establishment of a special prison for women in Massachusetts — that most interesting reformatory at Sherborn which I had the pleasure of visiting with you, Mr. President, not long since, and which Dr. Wines mentions with hearty commendation in this last volume.

Another of the topics treated at Saratoga may here be touched upon, with some more recent information — the administrative work of the new Board of Health, Lunacy and Charity, lately established in Massachusetts as a department of the State Government. Gov. Long has recently spoken of this in his address to the Legislature, and the report of the Board itself, concise and comprehensive, would, ere this, have been submitted to the Legislature but for the delay occasioned by the fire at the state printers'. This delay will not be long, and the volume, containing much information and a compilation of laws and judicial opinions relating to health and charity, will soon be in the hands of the public. Without anticipating its contents, I may say, in answer to some inquiries that have been sent me from other States and from members of our Association, that nothing which was practically valuable in the organizations preceding this new Board, has been disturbed by the change. All the powers and responsibilities of the original Board of Charities and the State Board of Health are retained in the reorganization, and some important new powers and duties have been added. Time must be allowed, as in all such cases, for the new machinery to adjust itself to the work it has to do; but time, patience, and perseverance are the only apparent requisites for success in the experiment, which is already proposed for imitation in other States. It has long been successful in Great Britain,

* The whole Report is printed on pages 86-92 of the present *Journal*.

where the obstacles ten years ago seemed much greater than they are here. A demand has lately been made in some quarters for the separation of the work of a Lunacy Commission from that assigned to the Charities Commission and the Health Board, and this also is fortified by appeals to English precedent. But those who do this overlook the fact that England, in population, is about fourteen times as large as Massachusetts, and, therefore, may need a separation of powers and duties which would only lead to conflict or inaction if enforced in a little commonwealth like ours. Moreover, of the 3,600 insane persons at this moment under official observation in Massachusetts, no less than five-sixths (3,000) are supported by public charity, and come directly under the operation of laws which the Charities Commission administers in coöperation with the local overseers of the poor, and which must be administered in some such way. To put a special lunacy commission in charge of a part of this work would introduce confusion and weaken responsibility — the very evils which the friends of lunacy reform wish to avoid. The time may come in Massachusetts, as it certainly seems to have come in New York, when a lunacy commission, working separately, will, by growth of population, especially in cities, be rendered necessary and useful; but, for the present, we need here only the powers of such a commission, exercised by impartial men, in conjunction with other powers no less important. Even in Scotland, with a population more than double ours in Massachusetts, it would, probably, be better to unite the work of the Scotch lunacy commission with that of the poor law board.

A question intimately connected with that of administration is that of Insanity in its Economic Aspects, upon one feature of which Dr. Channing has submitted the draft of a paper for the consideration of our Department. As there will not be time today to read and debate this paper, I would move that it be referred to the Department Committee, with authority either to present it, if approved, at the next General Meeting, or to call a special department meeting for its discussion.

I trust our colleague, Mr. Angell, will call the attention of the Massachusetts Board of Health, and of other State and local boards, to the alarming facts he has discovered concerning the adulteration of food, drugs and domestic articles. This is an inquiry which should be prosecuted by our Health Department, but which also

concerns that of Social Economy, since the heaviest loss and suffering which these adulterations cause, fall directly upon the poor. Mr. Angell meets with us again today, after a tour in the northwest, undertaken soon after his forcible paper read and disputed at Saratoga. He must expect some of his conclusions to be disputed, but neither an occasional mistake nor the incessant attack to which his publications expose him are likely to interrupt his labors or disturb his benevolent mind.

The principal work of our Department for the year just closed, besides the part which its members took in the Chicago Conference of Charities, has been the preparation of the papers read at Saratoga, and the discussion of them there. Hardly any of the Saratoga papers of 1879 attracted more attention than that of Mr. Brace, one of our Department Committee, and none was more earnestly debated. The discussion was enriched by the remarks of two eminent philanthropists, who happened to meet with us,—Mrs. Leonard, of Springfield, and Gov. Bagley, of Detroit,—and Mr. Letchworth, of New York, who has done so much to improve the condition of poor children and other helpless persons in that State, presided during the debate. It is the intention of the publishing committee to print these papers in the next number of the Journal, but, for lack of a reporter, the debate cannot be published in full.*

In closing, I desire to thank the periodical press of the country for the service they have rendered, year by year, in extending a knowledge of our department papers and the results of our investigations. Upon two or three topics — in particular, the condition of tenement houses, and the remarkable experience of Philadelphia in building Homes for the People which could easily become the property of their occupants — the daily newspapers and the monthly magazines have collected and disseminated information very thoroughly. And upon nearly all questions that closely affect the welfare of the people at large, and the condition and needs of the poor, we have found the conductors of the press more than willing to publish and discuss. Without them we could have done little; without us they have done much; but, together, the newspapers and the students of Social Science can move the world.

* An abstract of this Debate is given on pages 101-3.

When the hour arrived for the consideration of the amendments to the Constitution (proposed by the Executive Committee, in accordance with the action taken by the Association at the Saratoga Meeting of 1879), the nature and effect of the amendments were explained by the General Secretary, and they were adopted, in substance as printed in the *Journal* for December, 1879. The Constitution, as amended, will be found printed on a subsequent page of this Number.

The question of electing officers under the Constitution, as amended, then coming up, it was voted that the officers chosen at the Annual Meeting of 1879 be requested to serve until the Saratoga Meeting of September, 1880, but that vacancies existing in the list of officers be filled at the afternoon session. The effect of this vote is to give the Association, for the eight months between January 14 and September 8, 1880, a larger number of officers than the amended Constitution requires; but at the election in September, the list will be reduced to the constitutional number, the Board of Directors being diminished, and the list of Honorary Vice-Presidents increased at the pleasure of the Association. The vacancies filled at the January meeting were as follows:

Vice-President, Miss MARIA MITCHELL, of Poughkeepsie, N. Y., in place of HENRY C. LEA, Esq., of Philadelphia; *Director*, JOHN W. DICKINSON, Esq., of Newton, Mass., in place of the late Dr. WINES; *Chairman of the Health Department*, Dr. D. F. LINCOLN, of Boston, in place of GEORGE E. WARING, JR., of Newport, R. I.; *Secretary of the Health Department*, Dr. JAMES R. CHADWICK, of Boston, in place of Dr. LINCOLN; *Secretary of the Jurisprudence Department*, Prof. THEODORE S. WOOLSEY, of New Haven, Ct.; *Secretary of the Social Economy Department*, Dr. WALTER CHANNING, of Brookline, Mass., in place of F. B. SANBORN, of Concord.

Since the organization of the new Council, Dr. CHADWICK has resigned, — and his place has been filled by the election of Dr. E. W. CUSHING, of Boston,—and Mr. GEORGE WALKER, the Secretary of the Finance Department, has removed to France, thus vacating that office, which has not yet been filled. The list of officers and members of the Association, as it now stands, will be found on subsequent pages.

After the close of its regular business at the January meeting, the Association listened to the reading of a historical Paper on *Municipal Government*, by Mr. JAMES M. BUGBEE, of Boston, and then adjourned to meet at Saratoga in September, at such day and hour as the Council should appoint.

THE GENERAL MEETING OF 1880.

To be held at Saratoga Springs, N. Y., September 7–11, 1880.

It has hitherto been the custom of the American Social Science Association to hold two meetings in a year, besides Department meetings. The Annual Meeting, by custom, was held in Boston on the second Wednesday in January. In consequence of changes made in the Constitution, at the last Annual Meeting, the two meetings will hereafter be held together,—this year in September at Saratoga. The General Meetings of the Association for papers and discussion have been held in different cities from year to year; sometimes in the spring, and sometimes in the autumn. That for 1873 was held in Boston (May 13–15); that for 1874, in New York (May 19–23); that for 1875, at Detroit (in May); that for 1878, at Cincinnati (in May), and those for 1876, 1877 and 1879, at Saratoga (in September). The first General Session in 1880 will be on Tuesday evening, September 7, at 8, P. M.; and afterward, on the three following days, the General Sessions will occur once, and sometimes twice, a day, continuing until 10, P. M., Friday, September 11, at which hour the sessions will finally close. The Departments of Education and Health will hold sessions on Wednesday, September 8; that of Jurisprudence on Thursday, September 9, and that of Social Economy on Friday.

The Constitution, as amended January 14, 1880, is as follows:

CONSTITUTION.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective Departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and

ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairmen and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairmen of Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committees shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

OFFICERS OF THE ASSOCIATION, 1880.

The officers of the Association, elected to serve until September 8, 1880, are as follows:

President:

D. C. Gilman, Baltimore, Md.

Vice-Presidents:

Benjamin Peirce, Cambridge.
Theodore D. Woolsey, New Haven.
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The new Executive Committee, chosen at the first meeting of the Council, January 30, 1880, are as follows:

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The Executive Committee meets whenever business requires, — its next meeting will be in Boston, at the office of the General Secretary, Friday, May 28, at 12 o'clock. This Committee is also the Committee of Arrangements for the Saratoga meeting of 1880.

It will be seen, therefore, that under the Constitution, as above printed, a new organization of the officers of the Association has been made, — what was formerly called the Executive Committee being now the Council.

The Council of the Association, as above printed, held its first meeting January 30, and its second quarterly meeting on Saturday, the 10th of April, 1880. At the first meeting an Executive Committee was appointed, consisting of (1) the President of the Association or some vice-president or Department Chairman to represent him, (2) the General Secretary and Treasurer, and (3) the five Department Secretaries. This committee met in Boston April 2, organized with Professor Wayland as chairman, in the absence of President Gilman, and took the following action in regard to the next General Meeting of the Association at Saratoga: —

1. Fixing the date for the Saratoga meeting, from the 7th to the 10th of September, inclusive, and voting that the General Sessions should be held only in the morning and evening, not in the afternoon. 2. Fixing the Department Meetings in the morning, with liberty to adjourn over to the afternoon, if their business requires it; and requesting each of the four Departments of Education, Health, Jurisprudence and Social Economy, to furnish five papers, besides the Department Address, or annual Report. Two of these Department papers may, if desired, be read at the general sessions. 3. Prescribing one hour for the limit of Addresses, except the Annual Address of the President, and forty minutes as the limit of each paper in reading. 4. Assigning debates as follows, after the reading of a paper on each of the subjects named: Wednesday evening, September 8, on "The Adulteration of Food, Drugs and Domestic Articles," in the Health Department; Thursday evening, September 9, on Railroads; Friday evening, September 10, on Public Parks; the Paper on this subject to be read by F. L. Olmsted, Esq., of New York. The addresses and papers already agreed upon, in addition to those above-named, are as follows: —

Tuesday evening, September 7, Annual Address by President Gilman of Baltimore.

Wednesday, September 8 (in the Education Department), a Report on "Kindergarten Schools," by Professor W. T. Harris, of St. Louis; a Paper on "The Science and the Art of Teaching," by Prof. Wm. H. Payne, of Michigan University; a Paper on "The Relation of the Public Library to the Public Schools," by Samuel

S. Greene, Esq., of Worcester, Mass.; and a paper by Miss Edith Simcox, of the London School Board.

Wednesday, September 8, (in the Health Department), Address by Dr. D. F. Lincoln, of Boston, Chairman of the Department; a Paper by Colonel Waring, on "Yellow Fever;" a Paper by Dr. E. W. Cushing, of Boston (Secretary of the Department), on "The Regulation of Medical Practice by Statute."

Thursday, September 9 (in the Jurisprudence Department), a Paper by Z. R. Brockway, Esq., of Elmira, New York, on "Indeterminate Sentences;" a Paper by F. J. Kingsbury, of Waterbury, Ct., on "The Policy of Pensioning Public Officers;" Papers by E. L. Godkin, Esq., of New York, and Professor Henry Hitchcock, of St. Louis; and a Paper by Henry W. Farnam, Esq., of New Haven, on "The Socialist Laws of Germany."

Friday, September 10 (in the Social Economy Department), an Address by Charles L. Brace, Esq., of New York, on "The Relation of International Law to Christianity;" a Paper by the Rev. Oscar McCulloch, of Indianapolis, on "Associated Charities;" a Report by Mrs. Henry Whitman, Miss Schuyler, etc., on "The State Charities Aid Association of New York;" a Paper by George B. Bartlett, Esq., of Concord, Mass., on "Amusements for the People;" a Paper by Mrs. Julia Ward Howe, on "Changes in American Society;" and a Report on "Insanity in its Economic Aspect," by Dr. Walter Channing, of Brookline, Mass.

The next meeting of the Council will take place in Boston, in the office of the General Secretary, at 12 o'clock, June 2, and the Annual Meeting of the Council at Saratoga, September 7, at 4 P. M. After the new election of officers, at the September meeting of the Association, the Council will probably meet at Saratoga by adjournment, and attend to such business as may come before it. The day and hour for the election of officers at Saratoga, will be announced in the circular to be issued next summer. The headquarters of the Association will be at the United States Hotel during the Saratoga meeting, where members will be received at reduced rates; the Sessions will be held in Putnam Hall.

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SOUTHERN QUESTIONS.

I. THE NEGRO EXODUS FROM THE GULF STATES.

BY FREDERICK DOUGLASS.

(Read Sept. 12, 1879.)

The negro, long deemed to be too indolent and stupid to discover and adopt any rational measure to secure and defend his rights as a man, may now be congratulated upon the telling contradiction which he has recently and strikingly given to this withering disparagement and reproach. He has discovered and adopted a measure which may assist very materially in the solution of some of the vital problems involved in his sudden elevation from slavery to freedom, and from chattelhood to manhood and citizenship. He has shown that Mississippi can originate more than one plan, and that there is a possible plan for the oppressed, as well as for the oppressor. He has not chosen to copy the example of his would-be enslavers. It is to his credit that he has steadily refused to resort to those extreme measures of repression and retaliation to which the cruel wrongs he has suffered might have tempted a less docile and forgiving race. He has not imitated the plan of the oppressed tenant, who sneaks in ambush and shoots his landlord, as in Ireland; nor the example of the Indian, who meets the invader of his hunting-ground with scalping-knife and tomahawk; he has not learned his lesson from the freed serfs of Russia, and organized assassination against tyrant princes and nobles; nor has he copied the example of his own race in Santo Domingo, who taught their French oppressors by fire and sword the danger of goading too far the "energy that slumbers in the black man's arm."

On the contrary, he has adopted a simple, lawful and peaceable measure. It is emigration — the quiet withdrawal of his valuable bones and muscles from a condition of things which he considers no longer tolerable. Innocent as this remedy is for the manifold ills, which he has thus far borne with marvellous patience, fortitude, and forbearance, it is none the less significant and effective. Nothing has occurred since the abolition of slavery, which has excited a deeper interest among thoughtful men in all sections of

the country, than has this Exodus. In the simple fact that a few thousand freedmen have deliberately laid down the shovel and the hoe, quitted the sugar and cotton fields of Mississippi and Louisiana, and sought homes in Kansas, and that thousands more are seriously meditating upon following their example, the sober thinking minds of the South have discovered a new and startling peril to the welfare and civilization of that section of our country. Already apprehension and alarm have led to noisy and frantic efforts on the part of the South to arrest and put an end to what it considers a ruinous evil.

It cannot be denied that there is much reason for this apprehension. This Exodus has revealed to southern men the humiliating fact that the prosperity and civilization of the South are at the mercy of the despised and hated negro. That it is for him, more than for any other, to say what shall be the future of the late Confederate States; that within their ample borders, he alone can stand between the contending powers of savage and civilized life; that the giving or withholding of his labor will bless or blast their beautiful country. Important as manual labor is everywhere, it is nowhere more important, and absolutely indispensable to the existence of civilization, than in the more southern of the United States. Machinery may continue to do, as it has done, much of the work of the North, but the work of the South requires bone, sinew and muscle of the strongest and most enduring kind for its performance. Labor in that section must know no pause. Her soil is prolific with life and energy. All the forces of nature within her borders are wonderfully vigorous, persistent and active. Aided by an almost perpetual summer, abundantly supplied with heat and moisture, her soil readily and rapidily covers itself with noxious weeds, dense forests and impenetrable jungles, natural hiding places for devouring wolves and loathsome reptiles. Only a few years of non-tillage would be required to give the sunny and fruitful South to the bats and owls of a desolate wilderness. From this condition, shocking for a southern man to contemplate, it is now seen that nothing less powerful than the naked iron arm of the negro can save her. For him, as a southern laborer, there is no competitor or substitute. The thought of filling his place by any other variety of the human family will be found utterly impracticable. Neither Chinaman, German, Norwegian nor Swede can drive him from the sugar and cotton fields of Louisiana and Mississippi. They would

ainly perish in the black bottoms of those states if they could induced, which they cannot, to try the experiment. Nature lf in those states comes to the rescue of the negro; fights his ;les and enables him to exact conditions from those who would airly cheat and oppress him. Besides being dependent upon roughest and flintiest kind of labor, the climate of the South tes such labor uninviting and harshly repulsive to the white ı. He dreads it, shrinks from it and refuses it. He shuns the ning sun of the fields, and seeks the shade of the verandas. On contrary the negro walks, labors, or sleeps in the sunlight unmed. The standing apology for slavery was based upon a wledge of this fact. It was said that the world must have on and sugar, and that only the negro could supply this want, that he could be induced to do it only under the "beneficent p" of some bloodthirsty Legree. The last part of this argut has been happily disproved by the large crops of these protions since emancipation; but the first part of it stands firm, ssailed and unassailable. It served him well years ago, when he bitterest extremity of his destitution. But for it he would e perished when he dropped out of slavery. It saved him then will save him again.

Emancipation came to him surrounded by exceedingly unfriendly umstances. It was not the choice or consent of the people ong whom he lived, but against a death struggle on their part to vent it. His chains were broken in the tempest and whirlwind ivil war. Without food, without shelter, without land, without ney or friends, he, with his children, his sick, his aged and help-, was turned loose and naked to the open sky. The announcet of his freedom was instantly followed by an order from his master to quit his old quarters and to seek bread thereafter n the hands of those who had given him his freedom. A desate extremity was thus forced upon him at the outset of his dom, and the world watched with humane anxiety to see what ıld become of him. His peril was imminent; starvation stared in the face.

Even if climatic, and other natural causes, did not protect the ro from all competition in the labor market of the South, inevie social causes would probably effect the same result. The e system of that section left behind it, as in the nature of the it must, manners, customs and conditions, to which free white

laboring men will not be in haste to submit themselves and their families. They do not emigrate from the free North, where labor is respected, to a lately enslaved South, where labor has been whipped, chained and degraded for centuries. Naturally enough such emigration follows the lines of latitude in which they who compose it were born. Not from South to North, but from East to West "the course of empire takes its way." Hence, it is seen that the dependence of the planters, landowners and old master-class of the South upon the negro, however galling and humiliating to Southern pride and power, is nearly complete and perfect. There is only one mode of escape for them, and that mode they will certainly not adopt. It is to take off their own coats, cease to whittle sticks and talk politics at the cross-roads, and go themselves to work in their broad and sunny fields of cotton and sugar. An invitation to do this is about as harsh and distasteful to all their inclinations, as would be an invitation to step down into their graves. With the negro, all this is different. Neither natural, artificial nor traditional causes, stand in the way of the freedman to such labor in the South. Neither heat, nor the fever demon that lurks in her tangled and oozy swamps affrights him, and he stands today the admitted author of whatever prosperity, beauty and civilization are now possessed by the South. He is the arbiter of her destiny.

This, then, is the high vantage ground of the negro; he has labor, the South wants it, and must have it or perish. Since he is free he can now give it, or withhold it; use it where he is, or take it elsewhere, as he pleases. His labor made him a slave, and his labor can, if he will, make him free, comfortable and independent. It is more to him than either fire, sword, ballot-boxes, or bayonets. It touches the heart of the South through its pocket.

It will not be soon forgotten, that, at the close of a five hours' speech by the late Senator Sumner, in which he advocated, with unequalled learning and eloquence the enfranchisement of the freedmen, he was met in the senate with the argument that legislation at that point would be utterly superfluous; that the negro was rapidly dying out and must inevitably and speedily disappear. Inhuman and shocking as was this consignment of millions of human beings to extinction, the extremity of the negro, at that date, did not contradict but favored the prophecy. The policy of the old master-class, dictated by passion, pride and revenge, was then to make the

freedom of the negro a greater calamity to him, if possible, than had been his slavery. But happily, both for the old master-class, and the recently emancipated, there came, as there will come now, the sober, second thought. The old master-class then found that it had made a great mistake. It had driven away the means of its own support It had destroyed the hands and left the mouths. It had starved the negro and starved itself. Not even to gratify its own anger and resentment could it afford to allow its fields to go uncultivated, and its tables to go unsupplied with food. Hence the freedman, less from humanity than cupidity, less from choice, than necessity, was speedily called back to labor and life. But now, after fourteen years of service, and fourteen years of separation from visible presence of slavery, during which he has shown both disposition and ability to supply the labor market of the South, and that he could do so far better as a freeman than he ever did as a slave; that more cotton and sugar can be raised by the same hands under the inspiration of liberty and hope than can be raised under the influence of bondage and the whip,—he is again, alas! in the deepest trouble, — without a home; again out under the open sky, with his wife and his little ones. He lines the sunny banks of the Mississippi, fluttering in rags and wretchedness; he stands mournfully imploring hard-hearted steamboat captains to take him on board; while the friends of the emigration movement are diligently soliciting funds all over the North to help him away from his old home to the modern Canaan of Kansas.

THE CAUSE OF IT.

Several causes have been assigned for this truly desperate and pitiable spectacle. Many of these are, upon their face, superficial, insufficient and ridiculous. Adepts in political trickery and duplicity, who will never go straight to a point, when they can go crooked, explain the Exodus as a cunning scheme to force a certain nomination upon the Republican party in 1880. It does not appear how such an effect is to follow such a cause. For, if the negroes are to leave the South, as the advocates of the Exodus tell us, and settle in the North, where all their rights are protected, the country need not trouble itself about securing a President whose chief recommendation is supposed to be his will and power to protect the negro in the South; and the nomination is thus rendered unnecessary by the success of the measure which made

it necessary. Again, we are told that greedy speculators in Kansas have adopted this plan to sell and increase the value of their land. This cannot be, — men of this class are usually shrewd. They do not seek to sell land to those who have no money, — and they are too sharp to believe that they can increase the value of their property by inviting to its neighborhood a class of people against whom there is an intense and bitter popular prejudice. Malignant emissaries from the North, it is said, have been circulating among the freedmen, talking to them and deluding them with promises of the great things which will be done for them if they will only go to Kansas. Plainly enough this theory fails for the want of even the show of probable motive. The North can have no motive to cripple industry at the South, or elsewhere, in this country. If she were malignant enough, which she is not, she is not blind enough to her own interest to do any such thing. She sees and feels that an injury to any part of this country is an injury to the whole of it.

Again, it is said, that this Exodus is all the work of the defeated and disappointed demagogues, white and black, who have been hurled from place and power by the men of property and intelligence in the South. There may be some truth in this theory. Human nature is capable of resentment. It would not be strange if people who have been degraded and driven from place and power by brute force and by fraud, were to resent the outrage in any way they safely could.

But it is still further said that the Exodus is peculiarly the work of Senator Windom. His resolution and speech in the Senate, last winter, are said to have set this black ball in motion, and much wrath has been poured out upon that humane Senator for his part in the movement. It need not be denied that there is truth in this allegation. Senator Windom's speech and resolution certainly did serve as a powerful stimulus to this emigration. Until he spoke there was no general stampede from the cotton and sugar plantations of Mississippi and Louisiana. There can be no doubt, either, that the freedmen received erroneous notions from some quarter what the Government was likely to do for them in the new country to which they are now going. They may have been told the story of "forty acres and a mule," and some of them may have believed and acted upon it. But it is manifest that the real cause of this extraordinary Exodus lies deeper down than any

point touched by any of the causes thus far alleged. Political tricksters, land speculators, defeated office seekers, Northern malignants, speeches and resolutions in the Senate, unaided by other causes, could not, of themselves, have set such a multitudinous Exodus in motion. The colored race is a remarkably home-loving race. It has done little in the way of voluntary colonization. It shrinks from the untried and unknown. It thinks its own locality the best in the world. Of all the galling conditions to which the negro was subjected in the days of his bondage, the worst was the liability of separation from home and friends. His love of home and his dread of change made him even partially content in slavery. He could endure the smart of the lash, worked to the utmost of his power, and be content till the thought of being sent away from the scenes of his childhood and youth was thrust upon his heart.

But argument is less needed upon this point than testimony. We have the story of the emigrants themselves, and if any can reveal the true cause of this Exodus *they* can. They have spoken, and their story is before the country. It is a sad story, disgraceful and scandalous to our age and country. Much of their testimony has been given under the solemnity of an oath. They tell us with great unanimity that they are very badly treated at the South. The land owners, planters, and the old master-class generally, deal unfairly with them, having had their labor for nothing when they were slaves. These men, now they are free, endeavor by various devices to get it for next to nothing; work as hard, faithfully and constantly as they may, live as plainly and as sparingly as they may, they are no better off at the end of the year than at the beginning. They say that they are the dupes and victims of cunning and fraud in signing contracts which they cannot read and cannot fully understand; that they are compelled to trade at stores owned in whole or in part by their employers, and that they are paid with orders and not with money. They say that they have to pay double the value of nearly everything they buy; that they are compelled to pay a rental of ten dollars a year for an acre of ground that will not bring thirty dollars under the hammer; that land owners are in league to prevent land-owning by negroes; that when they work the land on shares they barely make a living; that outside the towns and cities no provision is made for education, and, ground down as they are, they cannot themselves employ teachers to instruct their children; that they are not only the

victims of fraud and cunning, but of violence and intimidation; that from their very poverty the temples of justice are not open to them; that the jury box is virtually closed; that the murder of a black man by a white man is followed by no conviction or punishment. They say further, that a crime for which a white man goes free a black man is severely punished; that impunity and encouragement are given by the wealthy and respectable classes to men of the baser sort who delight in midnight raids upon the defenceless; that their ignorance of letters has put them at the mercy of men bent upon making their freedom a greater evil to them than was their slavery; that the law is the refuge of crime rather than of innocence; that even the old slave driver's whip has reappeared, and the inhuman and disgusting spectacle of the chain-gang is beginning to be seen; that the government of every Southern State is now in the hands of the old slave oligarchy, and that both departments of the National Government soon will be in the same hands. They believe that when the Government, State and National, shall be in the control of the old masters of the South, they will find means for reducing the freedmen to a condition analogous to slavery. They despair of any change for the better, declaring that everything is waxing worse for the negro, and that his only means of safety is to leave the South.

It must be admitted, if this brief statement of complaints be only half true, the explanation of the Exodus and the justification of the persons composing it, are full and ample. The complaints they make against Southern society are such as every man of common honesty and humanity must wish ill founded; unhappily, however, there is nothing in the nature of these complaints to make them doubtful or surprising. The unjust conduct charged against the late slaveholders is eminently probable. It is an inheritance from the long exercise of irresponsible power by man over man. It is not a question of the natural inferiority of the negro, or the color of his skin. Tyranny is the same proud and selfish thing everywhere, and with all races and colors. What the negro is now suffering at the hands of his former master, the white emancipated serfs of Russia are now suffering from the lords and nobles by whom they were formerly held as slaves. In form and appearance the emancipation of the latter was upon better terms than in the case of the negro. The Empire, unlike the Republic, gave the free serfs three acres of land, — a start in the world. But the

selection and bestowment of this land was unhappily confided to the care of the lords and nobles, their former masters. Thus the lamb was committed to the care of the wolf; hence the organized assassination now going on in that country, and it will be well for our Southern States if they escape a like fate. The world is slow to learn that no man can wrong his brother without doing a greater wrong to himself; something may, however, be learned from the lessons of alarm and consternation which are now written all over Russia.

But in contemplating this Exodus, it should be kept in mind that the way of an oppressed people from bondage to freedom is never smooth. There is ever in such transition much to overcome on both sides. Neither the master nor the emancipated slave can at once shake off the habits and manners of a long-established past condition. The form may be abolished, but the spirit survives and lingers about the scenes of its former life. The slave brings into the new relation much of the dependence and servility of slavery, and the master brings much of his pride, selfishness and love of power. The influence of feudalism has not yet disappeared from Europe. Norman pride is still visible in England, though centuries have passed since the Saxon was the slave of the Norman; and long years must elapse before all traces of slavery shall disappear from our country. Suffering and hardships made the Saxon strong, — and suffering and hardships will make the Anglo-African strong.

THE EXODUS AS A POLICY.

Very evidently there are to be asked and answered many important questions, before the friends of humanity can be properly called upon to give their support to this emigration movement. A natural and primary enquiry is: What does it mean? How much ground is it meant to cover? Is the total removal of the whole five millions of colored people from the South contemplated? Or is it proposed to remove only a part? And if only a part, why a part and not the whole? A vindication of the rights of the many can not be less important than the same to the few. If the few are to be removed because of the intolerable oppression which prevails in the South, why not the many, also? If exodus is good for any, must it not be equally good for all? Then, if the whole five millions are to leave the South, as a doomed country,—left as Lot

left Sodom, or driven out as the Moors were driven out of Spain, — there is next a question of ways and means to be considered. Has any definite estimate of the cost of this removal been made? How shall the one or two hundred millions of dollars which such removal would require be obtained? Shall it be appropriated by Congress, or voluntarily be contributed by the public? Manifestly, with such a debt upon the nation as the war for the Union has created, Congress is not likely to be in a hurry to make any such appropriation. It would much more willingly and readily enact the necessary legislation to protect the freedmen where they are, than appropriate $200,000,000 to help them away to Kansas, or elsewhere in the North. But suppose, as already suggested, the matter shall not be left at all to Congress, but remitted to the voluntary contributions from the people. Then a swarm of Conways and Tandys must be employed to circulate over the country, hat in hand, soliciting and collecting these contributions; representing to the people, everywhere, that the cause of the negro is lost in the South; that his only hope and deliverance from a condition of things worse than slavery is, — removal to Kansas, or to some country outside the Southern States. Then, would such an arrangement, such an apostleship of despair, be beneficial or prejudicial to the cause of the freedmen?

Precisely and plainly, this is a feature of the emigration movement which is open to serious objection. Voluntary, spontaneous, self-sustained emigration on the part of the freedmen, may or may not be commendable. It is a matter with which they alone have to do. The public is not called upon to say or do anything for or against it; but when the public is called upon to take sides, declare its views, organize emigration societies, appoint and send out agents to make speeches and collect money, — to help the freedmen from the South, — it may very properly object. The public may not wish to be responsible for the measure, or for the disheartening doctrines by which the measure is supported. Objection may properly be made upon many grounds. It may well enough be said that the negro question is not so desperate as the advocates of this Exodus would have the public believe; that there is still hope that the negro will ultimately have his rights as a man, and be fully protected in the South; that in several of the old slave States his citizenship and his right to vote are already respected and protected; that the same, in time, will be secured for the negro in

the other States; that the world was not the work of a day; that even in free New England, all the evils generated by slavery did not disappear in a century after the abolition of the system, if, indeed, they have yet entirely disappeared.

Within the last forty years, a dark and shocking picture might be given of the persecution of the negro and his friends, even in the now preëminently free State of Massachusetts. It is not more than twenty years ago that Boston supplied a pistol club, if not a rifle club, to break up an abolition meeting; and that one of her most eminent citizens had to be guarded to and from his house (Wendell Phillips) to escape the hand of mobocratic assassins, armed in the interest of slavery. The negro on the Sound boats between New York and Boston, though a respectable educated gentleman, was driven forward of the wheels, and must sleep, if he slept at all, upon the naked deck in the open air. Upon no condition except that of a servant or slave could he be permitted to go into a cabin. All the handicrafts of New England were closed to him. The appearance of a black man in any workshop or ship yard, as a mechanic, would have scattered the whole gang of white hands at once. The poor negro was not admitted into the factories to work, or as an apprentice to any trade. He was barber, waiter, white-washer and wood-sawer. All of what were called respectable employments, by a power superior to legal enactments, were denied him. But none of these things have moved the negro from New England, and it is well for him that he has remained there. Bad as is the condition of the negro today at the South, there was a time when it was flagrantly and incomparably worse. A few years ago he had nothing; he did not have himself, his labor and his rights to dispose of as should best suit his own happiness. But he has now even more. He has a standing in the supreme law of the land, in the Constitution of the United States, not to be changed or affected by any conjunction of circumstances likely to occur in the immediate or remote future. The Fourteenth Amendment makes him a citizen, and the Fifteenth makes him a voter. With power behind him at work for him, and which cannot be taken from him, the negro of the South may wisely bide his time.

The situation at this moment is exceptional and transient. The permanent powers of the Government are all on his side. What though for the moment the hand of violence strikes down the negro's rights in the South? Those rights will revive, survive and

flourish again. They are not the only people who have been in a moment of popular passion maltreated and driven from the polls. The Irish and Dutch have frequently been so treated; Boston, Baltimore and New York have been the scenes of this lawless violence; but those scenes have now disappeared. A Hebrew may even now be rudely repulsed from the door of a hotel; but he will not on that account get up another exodus, as he did three thousand years ago, but will quietly "put money in his purse" and bide his time, knowing that the rising tide of civilization will eventually float him, as it floats all other varieties of the human family, to whom floating in any condition is possible. Of one thing we may be certain (and it is a thing which is destined to be made very prominent not long hence), the negro will either be counted at the polls, or not counted in the basis of representation. The South must let the negro vote, or surrender its representation in Congress. The chosen horn of this dilemma will finally be to let the negro vote, and vote unmolested. Let us have all the indignant and fiery declamation which the warm hearts of our youthful orators can pour out against Southern meanness, "White Leagues," "Bulldozers," and other "Dark Lantern" organizations, but let us have a little calm, clear reason as well. The latter is a safer guide than the former. On this great question we want light rather than heat; thought, rather than feeling; a comprehensive view and appreciation of what the negro has already on his side, as well as the disadvantages against which he has thus far been compelled to struggle, and still has to struggle.

THE EXODUS ILL-TIMED.

Without abating one jot of our horror and indignation at the outrages committed in some parts of the Southern States against the negro, we cannot but regard the present agitation of an African exodus from the South as ill-timed, and in some respects hurtful. We stand today at the beginning of a grand and beneficent reaction. There is a growing recognition of the duty and obligation of the American people to guard, protect and defend the personal and political rights of all the people of the States; to uphold the principles upon which rebellion was suppressed, slavery abolished, and the country saved from dismemberment and ruin. We see and feel today, as we have not seen and felt before, that the time for conciliation, and trusting to the honor of the late rebels and slave-

holders, has past. The President of the United States, himself, while still liberal, just and generous towards the South, has yet sounded a halt in that direction, and has bravely, firmly and ably asserted the constitutional authority, to maintain the public peace in every State in the Union, and upon every day in the year; and has maintained this ground against all the powers of House and Senate. We stand at the gateway of a marked and decided change in the statesmanship of our rulers. Every day brings fresh and increasing evidence that we are, and of right ought to be, a nation; that Confederate notions of the nature and powers of our Government ought to have perished in the rebellion which they supported; that they are anachronisms and superstitions, and no longer fit to be above ground. National ideas are springing up all around us; the oppressor of the negro is seen to be the enemy of the peace, prosperity and honor of the country. The attempt to nullify the national election laws; to starve the officer where they could not destroy the office; to attack the national credit when they could not prevent successful resumption; to paralyze the Constitution where they could neither prevent nor set it aside, has all worked against the old slaveholding element, and in the interest of the negro. They have made it evident that the sceptre of political power must soon pass from the party of reaction, revolution, rebellion and slavery, to the party of constitution, liberty and progress.

At a time like this, so full of hope and courage, it is unfortunate that a cry of despair should be raised in behalf of the colored people of the South; unfortunate that men are going over the country begging in the name of the poor colored man of the South, and telling the people that the Government has no power to enforce the Constitution and Laws in that section, and that there is no hope for the poor negro, but to plant him in the new soil of Kansas and Nebraska. These men do the colored people of the South a real damage. They give their enemies an advantage in the argument for their manhood and freedom. They assume the inability of the colored people of the South to take care of themselves. The country will be told of the hundreds who go to Kansas, but not of the thousands who stay in Mississippi and Louisiana. They will be told of the destitute who require material aid, but not of the multitude who are bravely sustaining themselves where they are. In Georgia the negroes are paying taxes upon six millions of

dollars; in Louisiana upon forty or fifty millions, and upon unascertained sums elsewhere in the Southern States. Why should a people who have made such progress in the course of a few years, now be humiliated and scandalized by exodus agents, begging money to remove them from their home; especially at a time when every indication favors the position that the wrongs and hardships which they suffer are soon to be redressed?

IT SURRENDERS A GREAT PRINCIPLE.

Besides the objections thus stated, it is manifest that the public and noisy advocacy of a general stampede of the colored people from the South to the North, is necessarily an abandonment of the great and paramount principle of protection to person and property in every State of the Union. It is an evasion of a solemn obligation and duty. The business of this nation is to protect its citizens where they are, not to transport them where they will not need protection. The best that can be said of this Exodus in this respect, is that it is an attempt to climb up some other than the right way; it is an expedient, a half-way measure, and tends to weaken in the public mind a sense of the absolute right, power and duty of the Government, inasmuch as it concedes, by implication at least, that on the soil of the South, the law of the land cannot command obedience; the ballot box cannot be kept pure; peaceable elections cannot be held; the Constitution cannot be enforced; and the lives and liberties of loyal and peaceable citizens cannot be protected. It is a surrender, a premature, disheartening surrender, since it would make freedom and free institutions depend upon migration rather than protection; by flight, rather than by right; by going into a strange land, rather than by staying in one's own. It leaves the whole question of equal rights on the soil of the South open and still to be settled, with the moral influence of exodus against us; since it is a confession of the utter impracticability of equal rights and equal protection in any State, where those rights may be struck down by violence.

It does not appear that the friends of freedom should spend either time or talent in furtherance of this Exodus as a desirable measure either for the North or the South; for the blacks of the South or the whites of the North. If the people of this country cannot be protected in every State of this Union, the Government of the United States is shorn of its rightful dignity and power; the late

rebellion has triumphed; the sovereignty of the nation is an empty name, and the power and authority in individual States is greater than the power and authority of the United States.

BETTER TO STAY THAN TO GO.

While necessity often compels men to migrate; to leave their old homes and seek new ones; to sever old ties and create new ones; to do this the necessity should be obvious and imperative. It should be a last resort and only adopted after carefully considering what is against the measure as well as what is in favor of it. There are prodigal sons everywhere, who are ready to demand the portion of goods that would fall to them and betake themselves to a strange country. Something is ever lost in the process of migration, and much is sacrificed at home for what is gained abroad. A world of wisdom is in the saying of Mr. Emerson, "that those who made Rome worth going to stayed there." Three moves from house to house are said to be worse than a fire. That a rolling stone gathers no moss has passed into the world's wisdom. The colored people of the South, just beginning to accumulate a little property, and to lay the foundation of families, should not be in haste to sell that little and be off to the banks of the Mississippi. The habit of roaming from place to place in pursuit of better conditions of existence is by no means a good one. A man should never leave his home for a new one till he has earnestly endeavored to make his immediate surroundings accord with his wishes. The time and energy expended in wandering about from place to place, if employed in making him comfortable where he is, will, in nine cases out of ten, prove the best investment. No people ever did much for themselves or for the world, without the sense and inspiration of native land; of a fixed home; of a familiar neighborhood, and common associations. The fact of being to the manor born has an elevating power upon the mind and heart of a man. It is a more cheerful thing to be able to say, "I was born here and know all the people," than to say, "I am a stranger here and know none of the people." It cannot be doubted, that in so far as this Exodus tends to promote restlessness in the colored people of the South, to unsettle their feeling of home and to sacrifice positive advantages where they are, for fancied ones in Kansas or elsewhere, it is an evil. Some have sold their little homes at a sacrifice, their chickens, mules and pigs, to follow the Exodus. Let it be under-

stood that you are going, and you advertise the fact that your mule has lost half his value—for your staying with him makes half his value. Let the colored people of Georgia offer their six millions worth of property for sale, with the purpose to leave Georgia, and they will not realize half its value. Land is not worth much where there are no people to occupy it, and a mule is not worth much where there is no one to use it.

A MISTAKE AND A FAILURE.

It may safely be asserted that, whether advocated and commended to favor on the ground that it will increase the political power of the Republican party, and thus help to make a solid North against a solid South; or upon the ground that it will increase the power and influence of the colored people as a political element, and enable them the better to protect their rights, and ensure their moral and social elevation, the Exodus will prove a disappointment, a mistake and a failure; because, as to strengthening the Republican party, the emigrants will go only to those States where the Republican party is strong and solid enough already without their votes; and in respect to the other part of the argument, it will fail, because it takes colored voters from a section of the country where they are sufficiently numerous to elect some of their number to places of honor and profit, and places them in a country where their proportion to other classes will be so small as not to be recognized as a political element, or entitled to be represented by one of themselves; and further, because, go where they will, they must, for a time, inevitably carry with them poverty, ignorance and other repulsive incidents inherited from their former conditions as slaves; a circumstance which is about as likely to make votes for Democrats as for Republicans, and to raise up bitter prejudices against them, as to raise up friends for them. No people can be much respected in this country, where all are eligible to office, that cannot point to any one of their class in an honorable, responsible position. In sending a few men to Congress, the negroes of the South have done much to dispel prejudice and raise themselves in the estimation of the country and the world. By staying where they are, they may be able to send abler, better and more effective representatives of their race to Congress, than it was possible for them to send at first, because of their want of education, and their recent liberation from bondage. In the South the negro has at

least the possibility of power; in the North he has no such possibility, and it is for him to say how well he can afford to part with this possible power.

But another argument in favor of this emigration is, that having a numerical superiority in Mississippi, Louisiana and South Carolina, and thereby possessing the ability to choose some of their own number to represent them in the state and nation, they are necessarily brought into antagonism with the white race, and invite the very political persecution of which they complain. So they are told that the best remedy for this persecution is to surrender the right and advantage given them by the Constitution and the Government, of electing men of color to office. They are not to overcome prejudice and persecution where it is, but to go where it is not; not to stand where they are, and demand the full constitutional protection which the Government is solemnly bound to give, but to go where the protection of the Government is not needed. Plainly enough this is an evasion of a solemn obligation and duty, an attempt to climb up some other way; a half-way measure, a makeshift, a miserable substitution of expediency for right. For an egg, it gives the negro a stone. The dissemination of this doctrine by the agents of emigration, cannot but do the cause of equal rights much harm. It lets the public mind down from the high ground of a great national duty, to a miserable compromise, in which wrong surrenders nothing, and right everything. The South is not to repent its crimes, and submit to the Constitution in common with all other parts of the country, but such repentance and submission is to be conveniently made unnecessary by removing the temptation to commit violations of the Law and the Constitution. Men may be pardoned for refusing their assent to a measure supported upon a principle so unsound, subversive and pernicious. The nation should be held steadily to the high and paramount principle, that allegiance and protection are inseparable; that this Government is solemnly bound to protect and defend the lives and liberties of all its citizens, of whatever race or color, or of whatever political or religious opinion, and to do this in every State and territory within the American Union. Then, again, is there to be no stopping-place for the negro? Suppose that by-and-by some "Sand Lot Orator" shall arise in Kansas, as in California, and take it into his head to stir up the mob against the negro, as he stirred up the mob against the Chinese? What then? Must the

negro have another exodus? Does not one exodus invite another, and in advocating one do we not sustain the demand for another?

Plainly enough, the Exodus is less harmful in itself than are the arguments by which it is supported. The one is the result of a feeling of outrage and despair; but the other comes of cool, selfish calculation. One is the result of honest despair, and appeals powerfully to the sympathies of men; the other is an appeal to our selfishness, which shrinks from doing right because the way is difficult.

THE SOUTH THE BEST MARKET FOR THE BLACK MAN'S LABOR.

Not only is the South the best locality for the negro on the ground of his political powers and possibilities, but it is best for him as a field of labor. He is there, as he is nowhere else, an absolute necessity. He has a monopoly of the labor market. His labor is the only labor which can successfully offer itself for sale in that market. This, with a little wisdom and firmness, will enable him to sell his labor there on terms more favorable to himself than he can elsewhere. As there are no competitors or substitutes, he can demand living prices with the certainty that the demand will be complied with. Exodus would deprive him of this advantage. It would take him from a country where the land owners and planters must have his labor, or allow their fields to go untilled and their purses unsupplied with cash; to a country where the land owners are able and proud to do their own work, and do not need to hire hands except for limited periods at certain seasons of the year. The effect of this will be to send the negro to the towns and cities to compete with white labor. With what result, let the past tell. They will be crowded into lanes and alleys, cellars and garrets, poorly provided with the necessaries of life, and will gradually die out. The negro, as already intimated, is preëminently a Southern man. He is so both in constitution and habits, in body as well as mind. He will not only take with him to the North, Southern modes of labor, but Southern modes of life. The careless and improvident habits of the South cannot be set aside in a generation. If they are adhered to in the North, in the fierce winds and snows of Kansas and Nebraska, the emigration must be large to keep up their numbers. It would appear, therefore, that neither the laws of politics, labor nor climate favor this Exodus. It does not conform to the laws of healthy emigration which proceeds not from South to North, not from heat to cold, but from

East to West, and in climates to which the emigrants are more or less adapted and accustomed.

THE NORTH GATE OF THE SOUTH MUST BE KEPT OPEN.

As an assertion of power by a people hitherto held in bitter contempt; as an emphatic and stinging protest against high-handed, greedy and shameless injustice to the weak and defenceless; as a means of opening the blind eyes of oppressors to their folly and peril, the Exodus has done valuable service. Whether it has accomplished all of which it is capable in this particular direction for the present, is a question which may well be considered. With a moderate degree of intelligent leadership among the laboring class at the South, properly handling the justice of their cause, and wisely using the Exodus example, they can easily exact better terms for their labor than ever before. Exodus is medicine, not food; it is for disease, not health; it is not to be taken from choice, but necessity. In anything like a normal condition of things the South is the best place for the negro. Nowhere else is there for him a promise of a happier future. Let him stay there if he can, and save both the South and himself to civilization. While, however, it may be the highest wisdom under the circumstances for the freedmen to stay where they are, no encouragement should be given to any measures of coercion to keep them there. The American people are bound, if they are or can be bound to anything, to keep the North gate of the South open to black and white, and to all the people. The time to assert a right, Webster says, is when it is called in question. If it is attempted by force or fraud to compel the colored people to stay, then they should by all means go; go quickly, and die, if need be, in the attempt. Thus far and to this extent any man may be an emigrationist, and thus far and to this extent I certainly am an emigrationist. In no case must the negro be "bottled up" or "caged up." He must be left free, like every other American citizen, to choose his own local habitation, and to go where he shall like. Though it may not be for his interest to leave the South, his right and power to leave it may be his best means of making it possible for him to stay there in peace. Woe to the oppressed and destitute of all countries and races if the rich and powerful are to decide when and where they shall go or stay. The deserving hired man gets his wages increased when he can tell his employer that he can get

better wages elsewhere. And when all hope is gone from the hearts of the laboring classes of the old world, they can come across the sea to the new. If they could not do that their crushed hearts would break under increasing burdens. The right to emigrate is one of the most useful and precious of all rights. But not only to the oppressed, to the oppressor also, is the free use of this right necessary. To attempt to keep these freedmen in the South, who are spirited enough to undertake the risks and hardships of emigration, would involve great possible danger to all concerned. Ignorant and cowardly as the negro may be, he has been known to fight bravely for his liberty. He went down to Harper's Ferry with John Brown, and fought as bravely and died as nobly as any. There have been Nathaniel Turners and Denmark Veseys among them in the United States, Joseph Cinques, Madison, Washingtons and Tillmons on the sea, and Toussaint L'Ouvertures on land. Even his enemies, during the late war, had to confess that the negro is a good fighter, when once in a fight. If he runs, it is only as all men will run, when they are whipped.

This is no time to trifle with the rights of men. All Europe today is studded with the material for a wild conflagration. Every day brings us news of plots and conspiracies against oppressive power. An able writer in the *North American Review* for July, himself a Nihilist, in a powerful article defends the extremest measures of his party, and shows that the treatment of the emancipated peasants by the government and landed aristocracy of Russia is very similar to that now practiced towards the freedmen by the landed aristocracy of the South. Like causes will produce like effects, the world over. It will not be wise for the Southern slaveholders and their successors to shape their policy upon the presumption that the negro's cowardice or forbearance has no limit. The fever of freedom is already in the negro's blood. He is not just what he was fourteen years ago. To forcibly dam up the stream of emigration would be a measure of extreme madness as well as oppression. It would be exposing the heart of the oppressor to the pistol and dagger, and his home to fire and pillage. The cry of "Land and Liberty," the watchword of the Nihilistic party in Russia, has a music in it sweet to the ear of all oppressed peoples, and *well* it shall be for the landholders of the South if they shall learn wisdom in time and adopt such a course

of just treatment towards the landless laborers of the South in the future as shall make this popular watchword uncontageous and unknown among their laborers, and further stampede to the North wholly unknown, indescribable and impossible.

NOTE. On page 3, fifth line from top, the word "cheat" should be "treat."

II. THE EMIGRATION OF COLORED CITIZENS FROM THE SOUTHERN STATES.

READ BY PROF. R. T. GREENER, OF HOWARD UNIVERSITY.

(September 12, 1879.)

The land question is no new one; at the present time there are difficulties in England, Ireland, Scotland and India with regard to this tenure of land; and when we come to study them, we find many analogous cases to those in America. There are remarkable coincidences and wonderful similarities of conditions, complaints and demands, which show conclusively that injustice and wrong, and disregard of rights and abuses of privilege are not confined to any one country, race or class. As a rule, capital takes advantage of the needs of labor. Landlords in every country oppress tenants, and sometimes disregard the welfare of the humbler agricultural laborer. The race in power lords it over the humbler; and if any change takes place from such normal condition, it only comes after a fierce outbreak of pent-up passion, or smouldering fires of wrong; or because some bold champion of the people rises to denounce oppression and demand redress. It has been fourteen years since the Confederacy collapsed, and eleven years since reconstruction. The South has now had for three years home rule, "Autonomy;" and yet, instead of the renewed prosperity, harmony of races, and absence of political violence and lawlessness, which we were promised, we find demoralized credit, shameless repudiation, and organized lawlessness—rendering the condition of the negro tenant class worse than at any period since slavery. So deplorable and abject indeed is it that expatriation and escape to Liberia, or the West, seems the only hope, as it is the continued dream of the negroes, old and young, in the six Southern States. We are accustomed to blame the Southern whites for the ultimate and approximate causes of this sad state of affairs. They are deeply responsible. I do not hesitate to place upon their shoulders all they deserve; but the North is not wholly innocent. We legis-

late for the interests of four million blacks just freed from bondage, demoralized by four years of war, and for two million rebellious whites, landless, hopeless, thankful at that time, even if their lives were spared, and we ignore all the precedents of history —the West Indies, Ireland, Russia and Germany. We threw the negro without anything, the carpet-bagger with his musket, the ex-Confederate disarmed, pell-mell together, and told them to work out the problem.

After the war it was difficult to purchase land because the old master was not disposed to sell. With the downfall of reconstruction a new lease of life was given to Southern barbarity and lawlessness. As usual, the negro was the principal sufferer. Negro representation went first; next the educational system, which the carpet-bagger had brought to the South, was crippled by insufficient appropriations. Majorities were overcome by shot-gun intimidation, or secretly by the tissue ballot. Radical office-holders were forced to resign, robbed of their property by "due process of law," and driven North. The jury-box and representation the negro was forced to give up; but after enduring all this, he found himself charged exorbitantly for the most necessary articles of food. His land was rented to him at fabulous prices. His cabin was likely to be raided at any time, whenever capricious lust, or a dreadful thirst for blood was roused. He saw his crop dwindling day by day; he saw himself growing poorer and getting into debt; his labor squandered between exacting landlords and rapacious store-keepers. It was then the negro resolved to give up the fruitless contest so long and hopelessly waged, and try his fortune in the great West, of which he had heard and read so much during the past ten years.

IMMEDIATE CAUSES OF THE EXODUS.

To quote from the *St. Louis Memorial:* "The story is about the same, in each instance; great privation and want from excessive rent exacted for land; connected with the murder of colored neighbors and friends, and threats of personal violence to themselves; the tenor of which statement is that of suffering and terror. Election days and Christmas, by the concurrent testimony, seem to have been preferred for killing the 'smart man,' while robbery and personal violence, in one form and another, seem to have run the year around. Here they are in multitudes, not often alone, but

women and children, old and middle-aged and young, and with common consent, leaving their old home for an unnatural climate, and facing storms and unknown dangers to go to northern Kansas. Why? Among them little is said of hope in the future; it is all of fear in the past. They are not drawn by the attractions of Kansas, they are driven by the terrors of Mississippi and Louisiana." The thriftless habits of work, engendered by southern life; the utter lack of foresight found in white and black alike, are powerful agents in bringing about the Exodus. The universal credit system is fostered by the planters, and kept up by the wily store-keeper; the insecurity of the holdings (long leases being unknown), is such that, if the negro succeeds in raising a good crop, he has no guaranty that he can keep his patch the next year. The prices charged for the necessaries of life may be noticed. These are copied from the original documents brought by the refugees: $1.50 per lb. for tobacco; molasses, $1 50 per gallon; filling out a contract, $2.50; meal, per bushel, $2.00, not worth more than $1; pork, per barrel, $30.00.

Again, the political difference of opinion which exists in the South, is another important cause. There, political convictions rank with religious opinions in intensity. The over-production of cotton is another cause, by the low price of that staple. Then the fact that the negro owns neither land, nor presses, cotton-gin, and implements, but buys mules, rents land, and purchases his provisions at an advance, often of thirty and forty per cent., is sufficient cause for the Exodus. If we add that the landlord has a first claim on the crop, a law which is identical with the Scotch law of hypotheca, we shall see reasons enough for a failure, and for the disposition to seek a happier home elsewhere. It can not be denied that there are instances where the negroes find themselves hopelessly involved; and seeing no prospect of any compensation, have at once repudiated their contracts and their country. This, of course, does not apply to those who have mules, carts, implements, and other utensils, which keep them attached closer to the soil. The law protects the landlord, and his claim always has the precedence. It is a punishable offence to remove any portion of the crop from the plantation before the landlord's claim is met. Next comes the store-keeper with his bill of six months. If anything were left for the negro when all these demands are satisfied, it would partake of the nature of a genuine miracle.

ADVANTAGES OF THE EXODUS TO THE NEGRO.

This emigration will benefit the negro, who is now too much inclined to stay where he is put. At the South he never knows his own possibilities. Then again, the South is a wretched place for any people to develop in, and this is especially true of the negro; because, like all subject races, he imitates the life about him. The negro at the South is in a demoralized condition, and no jury will convict for political offences committed against him. Chief Justice Waite, at Charleston, in the case of the Ellerton rioters, could not charge the jury in favor of liberty and protection. District attorneys are appointed at the recommendation of known rebels and sympathizers and assassins. Of course, they will not do their duty; hence, the negro dares not look for justice in the courts, — once proudly called the palladium of English liberty. The use of the military power to enforce any right, is repudiated at the North. But I remember it was employed quite efficaciously to return Anthony Burns and Simms, fugitive slaves, some years ago. I need not enumerate the demoralizing features of Southern life, the reckless disregard for human life, the lack of thrift, drinking customs, gaming, horse-racing, etc. The negro needs contact with all that is healthful and developing in modern civilization, and by emigration the negro will learn to love thrift, and unlearn many bad habits and improvident notions acquired from preceding generations.

The exclusive devotion of the negro to the culture of cotton and rice is demoralizing to him. They drag women and children into the field, with no commissioner of labor to look out for outraged childhood and impaired maternity. I do not expect this argument to find favor with those who think the negro has no other future before him than to cultivate sugar, cotton and rice. On the politico-economic side a partial Exodus will benefit those who remain, by raising the wage fund, increasing the demand, and insuring better treatment to those who are left; the fact of the Exodus being a preventive check, if I may borrow a phrase from Mr. Malthus. It will remove the negro from the incessant whirl of politics, in which, like all dark races, he is governed more by feeling than selfish interest.

At present the negro stands in the way of his own advancement, by reason of political fidelity, and the very excess of population, not diminished since the war, and yet not so systematically diffused

and employed. Even Senator Butler, of South Carolina, says: "We have too much cheap negro labor in the South." As to wages, the average negro can earn higher wages and live more comfortably at the North, even if confined to humble employments, than he can at the South. When we add such trifles as protection, school privileges, free suffrage and Christian influences, we transcend the limits of legitimate comparison. That the departure of the few will benefit the many might be abundantly illustrated by the condition of Ireland after the famine of 1848, or England after the Lancashire distress, when Canon Girdlestone, Mr. Froude and Goldwin Smith counselled emigration.

I assume that the predominance of the negro in politics at the South is gone for a generation at least. The South will not have it and the North has exhibited no very marked disposition to enforce it. If it be ever desirable again, let it come when the children of the present black colonists go back to the mother land, improved in all that makes good citizens by a sojourn in the West.

OBJECTIONS TO THE EXODUS.

There are few opponents of the Exodus. Most of them are only negative objectors. The only class positively objecting is the planting class. At Vicksburg, and in Washington County (Miss.), they objected vehemently and loudly. Foreign labor, they say, would cost money. Not one planter in ten is able to make further outlay. During the change of laborers, even, they would go to rack and ruin. The negro is the only one who can do their work. To go now will ruin the cotton crop, and, hence, affect the North as well as the South.

No one disputes the right of the negro to go West, now that he is free. We accord to all men the right to improve their condition, by change of residence or employment. Nearly all of the objectors, white and black, have grave doubts as to our ability to stand this severe Northern climate. They fear we may not find work adapted to our limited and peculiar powers; may not meet with kind friends and genial sympathy. We must endure privations and meet with ostracism at the North. Mechanics will not work with negroes. The negro remembers Slavery, Black Codes, Ku-Klux, Sister Sallie's plan, tissue ballots, the murder of Dr. Dostie and Randolph in South Carolina, Caldwell and Dixon in Mississippi, and says:

"My relatives and friends who have gone North since the war tell a different story. They have held no offices, but they are free. They sleep in peace at night; what they earn is paid them, if not, they can appeal to the courts. They vote without fear of the shotgun, and their children go to school. It is true the Northern people do not love us so well as you did, and hence the intermixture of races is not so promiscuous there as here. This we shall try to endure, if we go North, with patience and Christian resignation. We have never heard of the people at the North paying in ten, twenty-five and fifty cent scrip, payable four years hence, nor charging $2.00 a plug for tobacco, and $2.50 for witnessing a contract. While we may not have so much social equality as with you, we shall have more political equality and man to man justice. You charge $15.00 and $25.00 per acre for worn-out land; we can buy better in Kansas and Nebraska at $2.50 an acre. We had rather die free at the North than live as paupers and pariahs here, only nominally free. You thought Kansas not too cold for us in 1854–5; we are not afraid to try it now."

The most important opponent of the Exodus is Marshal Frederick Douglass, my distinguished antagonist in this discussion, who, I sincerely regret, is not here, to lend to his able and ingenious argument the magic of his presence and the influence of his eloquent voice. The greatest negro whom America has produced, having suffered all that our race could endure, and having been elevated higher than any other negro, he cannot lack sympathy with any movement which concerns his race, and hence, any objection coming from him challenges attention, and demands to be answered. Age, long service, and a naturally keen and analytic mind, would presume a soundness of view on almost any topic of national importance or race interest. It is, therefore, with the highest regard for the honesty of Mr. Douglass's views that I venture to reply to some of his objections. Mr. Douglass has not been an inactive opponent. He has written elaborate resolutions, made at least six speeches, spoken at the Methodist Conference, and been interviewed on the Exodus. While time has modified his extreme views, and more recent events have blunted the edge of his sarcasm, and while most of his objections are of the negative rather than the positive order, against the methods and men who seek to help the movement, rather than against the Exodus itself, still the *morale* of his influence is in opposition. Mr. Douglass's arguments, as I have

been able to find them in speeches, resolutions, and the paper just read, are briefly these: —

1. Emigration is not the proper nor permanent remedy.

2. The Government ought to protect colored citizens at the South; to encourage emigration gives the Government a chance to shirk its duty; while the advocates of the measure leave Equal Rights, Protection and Allegiance open questions.

3. The colored race should be warned against a nomadic life and habits of wandering.

4. African emigration and migration to the West are analogous; the failure of the one is prophetic of the other.

5. The negro now is potentially able to elect some members of his race at the South to Congress; this is impossible at the North.

6. At the South he has a monopoly of the supply of labor; at the West he would not have it. At the South, land owners must have laborers or starve; Western land owners are independent.

7. The Exodus does not conform to "the laws of civilizing emigration," as the carrying of a language, literature, etc. of a superior race to an inferior; nor does it conform to "the laws of geography." These, according to Mr. Douglass, "require for healthy emigration that it proceed from East to West, not from South to North, and not far away from latitudes and climates in which the emigrants were born."

To these objections first, it may be said, no favorer of migration claims it as the sole, proper or only permanent remedy for the aggravated relation of landlord and tenant at the South. It is approved of as one remedy, thus far the most salutary, in stopping lawlessness and exactions. The reciprocity of allegiance and protection is granted; but it is asked, "How can the United States Government protect its black citizens while the fallacy of State rights and the undefinable 'home rule' or 'autonomy,' prevent interference?" The Duke of Argyle believes that "there is no abstract limit to the right of the State to do anything." "In the interest of economy," says he, "it may pass sumptuary laws, or regulate the wages of farm laborers." This is under a monarchy. With us, neither Government nor courts may interfere with contracts, either to enforce the terms or insure justice, when the local sentiment is opposed. The Government does not protect the negro because it finds itself powerless to do so. As a general rule, the negro may well be warned against a wandering life; but in the present instance such advice is gratuitous.

The failure of the analogy drawn between African colonization and migration to the West may be stated in this way: the one was worked up by slave-owners in the interest of slavery; this one springs spontaneously, according to Mr. Douglass's view, from the class considering itself aggrieved; one led out of the country to a comparative wilderness; the other directs to better land and larger opportunities here at home. The one took the negro to contend with barbarism. This places him under more civilizing influences than he has ever enjoyed, involving no change of allegiance nor serious differences of climate. If the colored people are "potentially" able to elect one of their own race to Congress, they cannot now make that potentiality possible. Emigration surely cannot lessen the potentiality, since the emigrants will remain citizens. I am inclined to think it will not diminish the probability. If I remember correctly, Massachusetts first elected colored men to her General Court; Ohio has nominated one, and Illinois has a colored representative.

Mr. Douglass is rather misleading and fails again in his analogy, when he infers that the negro must go West as a civilizer or not go at all. He goes out from the house of bondage up from the land of Egypt, directed, I am inclined to think, by the same mighty hand which pointed out the way to Israel:—

> "By day, along the astonished land,
> The cloudy pillar glided slow;
> By night, Arabia's crimsoned sand,
> Returned the fiery column's glow."

If by the laws of geography, to which, unfortunately, this new Exodus does not conform, Mr. Douglass means that colonization, migration or civilization proceed best within the isothermal lines, we may concede the law, but all history shows exceptions remarkable and instructive.

The Phoenicians sailed West and North; the Greek colonies were at all known points; the Dutch and English have not been hindered by isothermal lines, penetrating far away from the latitudes in which they were born. Magna Graecia, in distinction from Hellas, and Mr. Dilke's "Greater Britain," are pertinent illustrations of the unsoundness of this seeming historical statement. If it were even philosophically correct, there is no analogy in the examples; the Southern negro, if he emigrate to Washington Territory or Arizona, would not be as far from home as the Aryan

race now is by its excessive waves of migration from the Black and Caspian Seas. When Mr. Douglass grants in his paper that if the half is true of what the negro suffers, the Exodus is justified,—he grants all that any advocate of it asks. It is from causes, which he condemns, denounces, deplores and considers disgraceful, that we say, "emigrate, and if you can, better your condition."

The Exodus is complained of as a "policy." We might answer, it is a result, not a policy in the ordinary sense, although, as a safe check to certain ulterior causes, we might well commend it to oppressed people anywhere as a measure of policy.

We are told, aphoristically, that the negro's labor made him free, and therefore, it can make him "free, comfortable, and independent." The assumed fact is not exactly clear, and the conclusion is scarcely warranted by the negro's statements of his condition, according to Mr. Douglass.

We are called upon to say whether we would remove a part, or all of the colored people from the South. "A part," we answer, "if that will insure protection and just treatment for the rest; the whole, if they can be protected in no other way." "But where will you get money to remove them?" is the new horn to the dilemma. "Congress cannot give it, because of the public debt," and yet Congress, [what Congress?] would rather spend $200,000,000 to *protect* them where they are." In short, Mr. Douglass grants the negro's misery, but tells him to wait, his present state is "exceptional and transient," his rights "will revive, survive and flourish;" but the poor frightened, half-starved negroes, crouching along the Mississippi, fear this will not happen until they have literally passed over. Mr. Douglass is not willing to have Congress nor the capitalists help these houseless wanderers, to whom we gave nothing when we freed them. We did better than that by fugitives forty years ago, and I see no good reason why Northern philanthropy should close its hand and ears now, to a cry which is as despairing as that which rang from Ireland in 1848, or from the yellow fever sufferers, a twelvemonth ago. We see capital employed to build better houses for the poor, to transport young children to the West; why shall we not try to help those who are trying as best they may, to help themselves? The statement that Massachusetts was once Mississippi, is a favorite one of Mr. Douglass, and has been reiterated so often as to lead the unwary to believe that the Marshal of the District of Columbia thinks it

true. I am more inclined to ascribe it to the orator's love of antithesis; so incorrect, so unjust, and for Frederick Douglass, so unkind would such a remark be.

To say to the emigrants, "Better stay than go," is analogous to saying "Be ye warmed and filled, notwithstanding ye give not those things which are needful for the body." Nor do proverbs add protection to the one argument any more than food and raiment to the other.

The Exodus may be a failure and a mistake, but whether it is or not, it has no connection with the power of the Republican party, or the retention of political power by the negro. Both may be benefited, and it may fail; both may be injured by it, and it may nevertheless succeed. This is a specimen *non-sequitur*, very familiar in arguments against the present migration.

We are assured that there will be misery and want resulting from this "ill-timed" movement. Doubtless there will be; every movement having in it the elements of good, has brought some hardship: —

> "Never morning wore
> To evening, but some heart did break."

The crucial test, however, is whether there will be more misery and want by migrating than by remaining; we think not.

Another distinguished gentleman, a financier, a banker, a political economist, Ex-Secretary McCulloch, in his seventh Harvard lecture, thinks the Exodus unfortunate. He also has faith that all will be well. With a refinement of unconscious sarcasm, he quotes Charles Sumner, and says to the negroes, "stick," "fight it out" where you are, "if it takes not merely the present, but many other summers." But the Ex-Secretary, less cautious than Mr. Douglass, says, if they [the colored people] were forced to go, they should be returned, even with the aid of the Government. Here is much sympathy enclosed in a dubious sentence. We do not know whether financial aid, or bayonet aid is to return these refugees, and nothing is said of their possible condition after they are returned. With such matters of detail the optimist and the doctrinaire have no concern. I shall call on Henry Jackson, to answer Mr. Douglass and Mr. McCulloch: "I left the South because I could not make a living. Year before last I made ten bales of cotton, and never got a cent for it. I sued for it but could not get anything; they wanted me to pawn my horse and begin over again; but I

told them I was going to sell my horse to go away. I would not go back to the South again because I could not live; cannot live there and give $2 for meal, and $30 for a barrel of pork, $10 an acre for land, $5 for ginning cotton, and then being cheated out of everything after I made it. My wife is along with me. I reckon I have money enough to get to Kansas."

BEST TIME TO EMIGRATE.

The western lands are waiting for settlers, and are being rapidly filled up by Swedes, Norwegians, Mennonites, Icelanders and Poles, why should not the negro participate? 600,000 acres of public land have been taken up since June 30, 1878; 50,000 families have gone westward under the homestead law, exclusive of those who have small sums to invest. Why shall we debar the negro? Irish Catholics have raised a fund of $100,000 to assist their poor from the large cities. The Hebrews have also an excellent association for the same purpose. These aid societies hold meetings and solicit funds. No one denounces them or impugns the motives of their advocates. What will benefit Irish, Hebrew, Swede, and Norwegian, cannot be decidedly injurious to the colored race alone.

HOW WILL THEY BE TREATED IN THE WEST?

Governor St. John, of Kansas, is authority on this point. "Up to the present writing, about 3,000 destitute refugees have arrived, the most of whom have been cared for by our committee. We have been very successful in securing for them employment, and thus placed them in a position that they soon became self-sustaining, and no longer required aid. These people seem to be honest, and of good habits; are certainly industrious and anxious to work, and, so far as they have been tried, have proved to be faithful and excellent laborers." Sir George Campbell* says, "In Kansas City, and still more in the suburbs of Kansas proper, the negroes are much more numerous than I have yet seen. On the Kansas side, they form quite a large proportion of the population. They are certainly subject to no indignity or ill-usage. * * * Here the negroes seem to have quite taken to work at trades; I saw them doing building work, both alone and assisting white men, and also painting and other tradesmen's work. On the Kansas side, I found a

* "Black and White in the U. S."

negro blacksmith, with an establishment of his own; he was an old man and very 'negro.' He grumbled just like a white. * * * He came from Tennessee, after emancipation; had not been back there, and did not want to go. * * I also saw black women keeping apple stalls and engaged in other such occupations. In these States, which I may call intermediate between black and white countries [States], the blacks evidently have no difficulty."

What is true of Kansas is true of the Indian Territory. A recent traveller there, writes: "The cozy homes and promising fields were the property of freedmen; every ploughboy you see has been a slave. *All* the farms along our route today belong to freedmen, to whom the Creeks accord every right and privilege they enjoy themselves,—annuity lands, offices and honors. * * * Every home gives proof of thrift. New fences, addition to the cabins, new barns and out-houses, catch the eye on every hand, except the school-house and church; these appear to be going to decay, but it is only in the rude buildings that this is true. Both church and school are prosperous."

At the South the negro, under adverse conditions, is not a great land owner, but yet he is not wholly landless. In South Carolina he owns 20,000 acres; in Georgia pays taxes on $6,000,000, mostly in land; and in Mississippi and Louisiana, it is estimated he pays taxes on between $10,000,000 and $20,000,000, the greater portion in land.

Emigration is no new thing, beginning with Senator Windom's speech. It began in 1840 and has kept up ever since. You may remember some of the old pictures of the emigrant with bundle on his shoulder. He went alone formerly, and was often taken back at the Government's expense; now he takes his family, and cannot be taken back against his will. In Kansas there are now five or six colonies, some of them established since 1870; Baxter Springs, Nicodemus, Morton City and Singleton. The reports from all are favorable. The people are said to be thrifty, intelligent and willing to work. All are paying for their land by instalments, at prices from $1.25 to $6.00 per acre. If, dissatisfied with Kansas, they wish to "move on," no one interferes with them. Mississippi, in spite of her Constitution, which says, "No citizen shall be prevented from emigrating on any pretence whatever," attempts to keep them back by libelling the steamboats for carrying excessive numbers. The negroes are also detained by writs gotten

up on spurious charges. In short, the Southern landlord now demands more than the lord paramount in the middle ages; the tenant must be a permanent fixture to the land. Georgia and South Carolina have already revived the law of Edward VI. (Act I, c. 3, 1381), and sell idle vagrants, or farm them out to service in gangs, as their prejudice dictates.

THE POLITICAL SIDE OF THE EXODUS.

We are told it is a political scheme. To insure success as a political movement, 60,000 colored voters should be distributed in certain States before November, 1879, the end of the period allowed for legal residence. If the Exodus were promoted by politicians, we should find 20,000 negroes going to Pennsylvania, 20,000 to New Jersey, 10,000 at least to New York, the same number for Indiana, and a spare 5,000 for Connecticut. This could not be done under $2,000,000, even had it begun six months ago. Thus far at the North, not $20,000 has been raised to help the refugees, notwithstanding $100,000,000 would not be idly spent to help the negro and end this vexed question. It is estimated that 15,000 have gone West within eight months; 150 leave New Orleans each week. All are not going to Kansas. Many are wisely pushing farther North. As a class, they differ from the West India negroes after their emancipation. The Southern negro did not relapse into barbarism; he manifests a disposition and an adaptability to work. That he is industrious is shown by the immense cotton crop, just reported as contributing to the exportable products of the nation, $189,000,000 per annum.

No view of the movement would be complete which did not notice the relation of the colored people of the country to this flight from oppression. The first stage is passed, the appeal to white philanthropists. My notion is the second is here, the appeal to ourselves. We must organize societies, contribute our dimes, and form a network of communication between the South and every principal point North and West. We should raise $200,000 to form a company; we should have a National Executive Committee, and have agents to buy land, procure cheap transportation, disseminate accurate information, and see to it that they are neither deluded nor defrauded. Such an organization, working through our churches and benevolent societies, would do more to develop our race than all the philanthropic measures designed to aid us since the war.

THE EXODUS WILL GO ON.

The little rill has started on its course toward the great sea of humanity. It moves slowly on by virtue of the eternal law of gravitation, which leads peoples and individuals toward peace, protection and happiness. Today it is a slender thread and makes way with difficulty amid the rocks and tangled growth; but it has already burst through serious impediments, showing itself possessed of a mighty current. It started in Mississippi, but it is even now being rapidly fed by other rills and streams from the territory through which it flows. Believing that it comes from God, and feeling convinced that it bears only blessings in its course for that race so long tossed, so ill-treated, so sadly misunderstood, I greet its tiny line, and almost see in the near future its magnificent broad bosom, bearing proudly onward, until at last, like the travel-worn and battle-scarred Greeks of old, there bursts upon its sight the sea, the broad sea of universal freedom and protection.

III. COLORED SCHOOLS IN VIRGINIA.

BY MRS. ORRA LANGHORNE, OF LYNCHBURG, VA.

(Read Friday, September 12.)

More than two hundred years ago, when Virginia was still covered by the unbroken forest, and the Indian was monarch of the soil, a feeble little colony of Englishmen were struggling to obtain a foothold in the dominions of Chief Powhatan. Reports of this settlement at Jamestown had gone over the civilized world of that day, and many thoughts were turned from distant lands to Smith's colony.

About a dozen years or so after the little band of English had made their homes in the Indian country, the captain of a ship from Holland steered his vessel into the Virginia harbor, and invited the settlers to examine his stock, which, of course he warranted fine, durable, valuable in every respect. What did Mynheer have for sale? Men, perhaps women and children also, nothing less than human freight on that boat. After praising his goods, and chaffing over the price, and haggling about how much tobacco he would take for a man, and how many furs for a woman and child, and at last inducing the Virginians to buy about twenty head of his live stock he sailed off to some other port to dispose of the rest of his cargo.

In that unenlightened era nobody thought there was any harm in this transaction. Many nations of the world then engaged in the slave trade, some do now. It was not very long before this time that the chivalrous Charles the Fifth led an expedition into the north of Africa, and released by the power of his sword twenty thousand captives, Christians from all parts of Europe, taken in the piratical wars of that cruel age, and sold into bondage by their conquerors. It was many years after the Dutch brig brought the first slaves to Virginia, that a New England minister sent a keg of rum to Africa, with instructions as to what kind of "nigger" he would take in exchange for it. It was much later than this that an English clergyman invested his funds in a slaver, and got his dividends, as the slave market went up or down. The savage

Africans have always sold their prisoners, perhaps sometimes their next of kin, to the traders who came into their country in search of slaves for the evil traffic.

Many other ships followed the Dutchman into Virginia ports, bringing cargoes of slaves, and the trade was continued far into the present century. What sort of people were these Africans left among the pioneers in the Virginian forest, and from time to time reinforced by fresh instalments from tropical shores? They seem generally to have been of pretty much the same description—savages in their own land, quite unaccustomed to wearing clothes, ignorant of all but the simplest arts.

A lady now over ninety years old, who lives near me, says that in her youth many slave ships came to our ports, and people from all parts of the State hastened on the arrival of a ship, to buy slaves; for raw Africans, like raw sugar and raw cotton, were much cheaper in first hands than the refined and improved article held by the middlemen. My old friend says she observed that there was a great difference among these Africans. Some were real savages, coarse, ignorant, degraded, almost brutal in their habits, worshipping idols, and only induced to labor by positive cruelty. Others had apparently come from at least semi-civilized nations. These were often people of intelligence, usually Mahommedans in faith, frequently possessing some knowledge of astrology and other occult sciences. My informant remarks: "These Africans came here savages, but the children always showed a great improvement on the parents; they soon learned our language and customs, adopted our religion, and after a few generations I could see no difference, except in color, between them and other people." In his interesting Memoirs of "Old Churches and Families of Virginia," Bishop Meade tells much of what he terms "the gentlest race of savages God ever made." He records the story of a slave called "African Belle," a woman of unusual intelligence and dignified appearance, who selected an amiable looking gentleman from among the purchasers at the slave market, prostrated herself at his feet, placed his hand upon her head in token of submission, and in the mute but expressive language of signs implored him to buy her. The planter purchased the willing captive, and she became a valuable and beloved member of his family, cherished to extreme old age by the white children she had nursed, and, at last, dying happily in the Christian faith.

Traditions of these African immigrants still linger among our Southern negroes, who are, however, very sensitive about their barbarous ancestors, and extremely reticent in regard to talking to white people about what they call "outlandish folks."

A very worthy and sensible old colored neighbor of mine, who owns a snug little property, keeps a horse and cow, sends his children to school, and lives like a Christian, recently gave me, with evident reluctance, some information about the "outlandish people" he knew in his youth. He says, "they were plentiful then, but he believes they have all died out now; they had mighty curious ways; they was fond of raisin' big gourds an' puttin' their things away in them; they didn't talk like folks, but had a kind of whinin' speech."

Negroes were not the only people held to bondage in the colonial days of Virginia. Not a few convicts and paupers from Europe were sold for a term of years, to repay the expense of their transportation, and occupied the same place in the society of the colony as the black servants of that day. Some highly respectable families among us could, if so disposed, trace their origin to such persons "held to service" by their more wealthy neighbors; but pride being a natural element in humanity, such white families are no more prone to refer to their servile progenitors than are our modern Africans disposed to recall their barbarous ancestors. Fifty years after the settlement of Virginia the number of these indented white servants was 6,000, while that of the negro slaves was but 2,000. Prof. Tucker, Jefferson's biographer, remarks: "In process of time, slave labor was found more profitable than that of white servants, partly because the negroes were more cheaply fed and clothed than the white laborers, who were of the same race as their masters, but chiefly because the negroes were less able to escape from bondage, and were more easily retaken. A conspiracy undertaken by the white servants, about 1660, caused much distrust of them, and the importation of convicts from England being thenceforth forbidden, this event greatly increased the trade in negroes, so that by the year 1790 there were nearly 300,000 slaves in Virginia."

At the close of the war of the revolution, the United States, having thrown off allegiance to the British king, adopted the republican form of government. The world-renowned Declaration of Independence was framed by a Virginian, and the sentence,

"All men were created equal," entitled to "Life, Liberty and the Pursuit of Happiness," thrilled the heart of the young Republic. But one class among its inhabitants had no part nor lot in the matter. To the black man, who had aided his white master to clear away the primeval forest, to till the soil, to plant habitations in the wilderness, to build up a mighty commonwealth, these high-sounding phrases were of no meaning. Neither he nor his children were born free; the white man forbade him to call himself "equal" to his fellowmen. "Life, Liberty and the Pursuit of Happiness," were blessings only to be enjoyed by him at the caprice of another. Even our glorious Jefferson, although not an advocate of slavery, was inconsistent on this subject, holding slaves himself, tolerating slavery in the professedly free government he had helped to form, and, in dying, giving human beings as property to his children.

The Africans thus incorporated into our system, and forming so large an element in our society, had for the most part come into our country in a savage condition, but were in the stern school of slavery fast becoming civilized. The negroes are an eminently amiable and imitative race, and very readily assimilated with the inhabitants of the land to which they had been transplanted. In favorable circumstances they rapidly developed character and intellect, and many noble specimens of humanity were to be found among our Virginia slaves. It was a favorite argument with far-seeing people, who anticipated the emancipation of the race by some means, and dreaded insurrection, that the negroes were fast becoming too highly civilized by their intimate association with an enlightened people to be held long in subjection.

An Englishman, who had lived many years in Africa before coming to the United States, tells me, after long observation in Virginia and Carolina, that it is very interesting to him to notice the great improvement of the Negro-American as compared with the native Africans. While he had seen many fine looking savages of strong, athletic form, there was seldom an intelligent expression of countenance among them, the features usually telling of brutality and cunning, in marked contrast to the amiable and sensible faces of their cultivated relations in America.

The attachment existing between slaves and their owners was often very great, and numberless instances might be recounted of the affection existing in families, whose fates had been united for generations. Time would fail me to relate the incidents which

crowd my memory of the confidence reposed by slaveholders in their servants, and the faithfulness with which such trusts were kept. The wife of a slaveholder entrusted her children from their birth to the arms of the faithful nurse, who was often the loving guardian of two generations of babies. The master of a large estate often selected for his manager some well-trained and sensible slave, and placed in his charge all that he possessed. My husband's father, whilst carrying on a large milling business, frequently sent his negro cooper, a man of fine character and great skill at his trade, through several counties in search of timber suited to his business. Mounted upon a blooded horse, and carrying several hundred dollars in his pocket, the trusty servant never failed to make satisfactory reports, and restore in good order the property he would have defended with his life. All the world has heard of the faithful negro who, when ordered by John Brown at Harper's Ferry to unlock the doors of the Baltimore and Ohio depot, refused to disobey the positive orders of his employer, and was shot down by the men who came to Virginia to free the slaves, preferring to die rather than betray his trust.

Now that slavery with its sorrows and trials is a thing of the past, whilst we may see that to the Africans it has been a school of training, — just as centuries of bondage transformed the nomad Jews into a manufacturing people, skilled in all the knowledge of their oppressors, — it is melancholy to note the effects of a system, long since condemned by enlightened nations as unworthy of a progressive people, upon the slave owners and the country they occupied.

While we arrogated to ourselves the right to enslave a barbarous race, for the nominal purpose of its civilization, the admixture of such an element in our society, and the effort to preserve feudal customs among us, have left us generations behind our sister States, and the age in which we live.

There was a day, early in our history, when Virginia had a greater population than New York, when Richmond was a more flourishing city than New Amsterdam; but in an evil hour our lawgivers elected to perpetuate slavery within our borders, disregarding the voice of nature, the example of other commonwealths, the teachings of Christianity! All menial employments being left to the negroes, a contempt for manual labor soon marked the white Virginian. The slaves were fast acquiring skill in agricultural,

mechanical and household arts, while the whites for the most part neglected such useful knowledge. With singular infatuation all legislation turned upon slavery, and southern politicians knew nothing but a perverted idea of State Rights, a doctrine in this section always synonymous with the wrongs of the negro. All progress was retarded, free discussion restricted, and anything tending to promote immigration regarded with suspicion. The religious sentiment of the land was distorted to suit the slave code, and ministers of Christ strove to teach the Oriental customs of ages gone in the New World and the nineteenth century. While the rest of the world was rushing on with great strides to carry knowledge to the dark places of earth, we were passing laws forbidding ourselves to learn the alphabet! While the philanthropists of other lands were striving to lighten the burthens of the laboring men, and elevate the masses of the people, we were trying to enforce the curfew regulations of the conquering Normans over the subject Saxons!

But whilst a people blinded as the Egyptians of old, struggled against the inevitable, a thousand causes were at work to destroy an accursed system, and bring liberty to the patient, faithful negro.

What blood and treasure were lavished on the Civil War, caused by slavery, can be but faintly estimated; its wounds will be unhealed in our generation, but out of its groans and tears have come the freedom of the slave, and at length the American people, cherishing no longer a system of servitude, wholly incompatible with their institutions, have truly a Republican Government with all its citizens freemen.

The black man went out from his master with but a staff in his hand, and the God who had freed him, for his guide. In several of the Southern States the property of our ex-slaves is counted by millions, and where they have had good opportunities their progress in education has been remarkable. The Virginia Educational and Historical Association, which met lately in this city, presents a body of colored teachers, ministers, editors and lawyers, who give a most gratifying assurance of the capabilities of the Negro-Americans and of their surprising advancement in spite of many obstacles.

The African in America as savage, slave and citizen has had a wonderful career, often pathetic, always interesting, and but little more remains to be done for his welfare, before he must be left to work out his destiny among his brethren. What is that little? First the repeal of all laws making distinctions against the negro.

We welcome to our shores the surplus, often the outcast population, of all other lands, and bestow upon them all the privileges which are the glorious heritage of the American citizen, yet our laws, founded upon prejudice, often discriminate cruelly against the Negro-American, whose race has existed for two hundred years upon our soil.

Mr. Garfield tells us, "Until there is one acknowledged law of liberty for white and black men alike, it is idle to claim that the amendments to the Constitution are obeyed either in spirit or in letter."

Professor Hart, in an admirable treatise on the English language, tells us, "The laws of nature are stronger than the laws of man. It is impossible for two races speaking the same language, possessing the same religion, to maintain permanently a separate existence, when kept in constant contact and juxtaposition."

In Professor Wayland's lovely work on Moral Science, I find the following sentence: "If society be, as we claim, an ordinance of God, it follows that every man who conforms to the social laws of God has a right to it. No man can then be justly excluded from it, unless he have committed some overt act, by which he has forfeited this right."

The next great want of the negroes of Virginia — of the South — is a system of education that shall include the mixed schools, — which are needed not only for their sakes but for that of the country.

First for their sakes. The experiment of separate schools, tried in many States during the past century, and in Virginia in the last nine years, proves conclusively that schools for the two races cannot be maintained with justice and efficiency. In the public schools of Virginia the colored children do not receive a fair proportion of the school funds; inferior accommodations are made for colored schools; those pupils who wish to become teachers are often excluded from positions they might worthily fill, whilst those wishing to procure a higher education must go beyond the borders of the State to secure it; for Virginia, possessing in proportion to her people more classical institutions than any other State, sternly bars college doors against half her population. The tendency of educational institutions all over our land is evidently to have the door of the school-room open to all who wish to enter; and this is the only school-house fit for the youth of a Republic.

I do not know that I can do better for this part of my subject than to quote extracts from two letters, written in answer to my request for their opinions on the public schools of the State, by Mr. J. W. Cromwell, editor of the Washington Star, and Prof. J. E. Jones, of Richmond Institute, both colored, and the latter once a slave in my husband's family, now a teacher and lecturer of reputation.

Prof. Jones writes: "I feel intensely upon the subject of mixed schools, and give you my reasons for thinking we should not have separate schools in this country. Universal education has become a necessity in the United States, hence the simple aim of the various States should be to educate all their citizens, and to educate them well, for the purpose of humanizing the vast accumulation of misguided force, which cannot be controlled while in an ignorant state. This brings us to the conclusion that since general education should be and is provided by the State, not only for the people but by and through the people, that the *whole* people should enjoy its privileges alike, and indiscriminately. This cannot be done under the present system of separate schools. The cause of this is, all the school functionaries are white, hence they will not make the same provision for colored children that they do for white. Instances confirmatory of the above conclusion can be found all over the South. Further, the separate school system tends, in many respects to thwart the very object for which public schools were inaugurated, viz., general education. There are certain localities in which a sufficient number of children, that is, of either race, of school age cannot be found (in Virginia the required number is fifteen), hence the school authorities, under existing laws, cannot establish a school. The law of the Southern States says that these people shall not have a school, notwithstanding they can get a sufficient number of children by combining the children of the two races in such localities; in other words, they shall not mix, and thus reap the benefit of the taxes which they are both paying into the school fund. This we hold to be outright and downright robbery. Again, so long as the children of the two races are trained in separate schools, the spirit of superiority in the whites and of subordination in the blacks, which was the immediate outcome of the institution of slavery, will continue to exist. This, in its immediate and ultimate results, will tend to hold the races in the same civil and political relations in which we find them now;

and this is wrong, because opposed to the genius of our Constitution and Government, which aims to bring about a spirit of amity instead of alienation."

Mr. Cromwell writes, "It is impossible, in sparsely settled communities, like the rural districts of Virginia, to have two systems of equal dignity for the races, and where the races are nearly equal, as in Richmond, Petersburg, Lynchburg, and other points South; to attempt to make the two systems equal, with the meagre amounts received from State and local taxation, would be to have neither system worthy the pride and admiration of the commonwealth. * * * Mixed schools already exist in all New England; in Albany, New York; in Western New York; Northern Ohio; Michigan; Northern Illinois, including Chicago; Colorado, and portions of California; in Newark, New Jersey, and Pittsburg, Pennsylvania. In the cities of Philadelphia, New York, and Terre Haute, Indiana, colored pupils are admitted to the High schools, but excluded from those of lower grade." The mixed schools are needed among us, not only to render our public schools efficient, and to harmonize the two races on our soil in their changed relations, but also for another reason. Such is the strength of the American malady known as color prejudice, now in the Old Dominion, that unless new comers among us accept our prejudices and treat the black man as we treat him, they are rendered uncomfortable, and sometimes forced to flee our borders. Consequently, immigration shuns our shores, and Virginia, presenting as great and varied attractions as any State of the Union, finds vast portions of her fair domain in the market with no buyers, and in many portions of the State, property yearly declining in value. In one of our rural districts not long since, a large tract of land finely adapted to fruit, grain and tobacco, well watered, accessible by railroads, and possessing a mild and agreeable climate, was sold at twenty-six cents per acre. Such is the result of our slave system, with its bitter legacies of pride, prejudice and oppression, still bearing their evil fruit among us, blighting our land and making us a by-word for the nations, who, as they pass us by, write "Poor, proud and decaying," upon the threshold of what should be a great and prosperous commonwealth.

The negro has been our faithful servant for more than two hundred years; our dependence in peace, the protector of our families in time of war. Our tutelage as his owner is ended; by the will of God he is become our fellow-citizen. Let us truly

accord him "equal rights," and by "social toleration and social sympathy," render him worthy the high privileges emancipation has bestowed upon him, with no excuse for his delinquencies in the proscription of his countrymen.

RECENT CHANGES IN THE WEST.

BY ROBERT P. PORTER, OF CHICAGO, ILL.

(Read Friday, September 12, 1879.)

The changes actually taking place in the West cannot but deserve the attention of this Association. The present emigration, especially to Kansas and Minnesota, is unparalleled in the history of any of these States, and it is accompanied by an unprecedented rush for railroad and public lands. Along with the reports of the extraordinary increase in emigration come accounts of an unexpected industrial development going on in some of the older Western States, which is gradually moving the centres of our great industries in a westerly direction, and is slowly cutting off the vast area of the newly settled country from the industrial markets of the East. How far these statements are true, I shall endeavor to show by such figures as I have been able to obtain; and when the facts are fairly stated the East can best decide whether or not there is any cause for alarm, and the West whether or not there is cause for much rejoicing. Take a map of North America and suppose for a moment that we are actually looking upon the seas and lakes, mountains and rivers, figured on its surface. Let us first, in our imagination, look at the crowded manufacturing cities of New England and New York, and then, glancing westward, try to discern through the cloud of smoke that rolls up from a hundred blackened valleys, the dusky crowd of iron and coal workers in Pennsylvania, and thence on to the more varied industries and less thickly populated regions of the West. It has been truly observed that it is only by this close observation of the entire field before us that we can realize something of the distribution of man, and even attain to some apprehension of the set of the tides of humanity reserved for the future. On the map before us suppose we draw an imaginary line beginning at Steuben county, Ind., and running south along the eastern boundary of that State to the Ohio River; thence along the bank of the Ohio to Cairo, down the Mississippi to the most southern point of Missouri; then west along the southern boundaries of Missouri and Kansas;

thence north to the northwestern extremity of Nebraska, east to Sioux City, north to the British Possessions, crossing the Red River, and following the boundary line along the shores of the great lakes of Detroit, and thence along the shores of Lake Erie, until it reaches a point where a straight western course would bring it to the place of beginning. If such a line were drawn it would inclose the States of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas and Nebraska, which, for the present purpose, will be regarded as the West. Could our eyes kindle into life the struggling multitudes scattered over the region represented on the map, it might give us some conception of the country we propose to discuss. Were it possible thus to view this territory at one glance, what boundless riches would be revealed! The dark green strip of land beginning with our eastern boundary line in Indiana, sweeping with a widening course across Illinois, Iowa and Missouri, far into the State of Kansas, is the great corn belt of North America, which, with the smaller corn areas of Michigan, Wisconsin, Minnesota and Nebraska, produced in 1877, $225,128,-500 worth of corn. A second glance would reveal the more evenly distributed fields of ripening wheat, valued in 1877 at $208,992,854. Browsing silently in the vast expanse of green meadow land we should see millions of cattle, the productive value of which is annually worth $125,000,000. Busy with reaper and mower in the rich grain fields are 2,000,000 human beings, gathering the precious products of the generous soil, not only for the use of those within the line, but for the markets of the world outside. Situated here and there over the wide expanse of prairie might be discerned large industrial centres, black with smoke and resonant with the clang of hammers from a hundred thousand manufactories, and the murmurs of innumerable wheels. The natural treasures of the region are laid at the doors of these great workshops. The iron districts of Missouri lay bare mountains of iron ore; Illinois, with one-seventh of all the known coal on the continent, is ready with motive power; and from Wisconsin and Michigan, comes an almost exhaustless supply of timber. But for all this, the community is an agricultural one. The greater portion of the population is annually accumulating wealth by improving their farms, raising stock and building houses and barns. Year by year these farms are increasing in number, and settlers are spreading further West. A recent report issued by the General Land Office, shows

that from 1870 to the close of 1878, no less than 260,665 entries have been made under the homestead and timber-culture acts. It is fair to presume an addition of five persons to the locality of each of these homesteads. Thus, with 260,665 entries we have an addition to the population of the new States of 1,303,325. This movement of non-producers from the Eastern States and from foreign countries — a movement now fully revived — to the new States, is an essential element in the restoration of prosperity to the country. During the month of August, 12,135 immigrants were landed at Castle Garden, making the arrivals for the year, 76,809, which gives the remarkable increase of 22,654 over the arrivals last year. The increase this year comes mostly from Scotland, Ireland, Norway and Sweden. The other European countries have only furnished about the same number of immigrants as during the past few years. The greater portion of the new arrivals come with minds made up as to where they will settle, and proceed at once to their destination, which, in most cases, is the West. It is difficult to obtain statistics showing what becomes of these emigrants. Though I have written to the Governors of the nine States above mentioned, the State of Wisconsin alone furnishes the information in the shape of a statement showing the number of emigrants that went through the city of Milwaukee and settled in Wisconsin, from April 6 to September 1, 1879. Below is the table:

Germans	1,569
Swedes	74
Norwegians	669
Danes	238
Irish	54
Poles	90
French	15
Italians and Fins	19
Swiss	27
Hollanders	55
English	41
Scotch	2
Bohemians	120
Total	2,964

These figures show that during the past few years, hundreds of thousands have found homes, permanent labor, and sure subsistence on these Western lands. There, too, they have found a degree of independence which few can find in Europe, where all paths are overcrowded.

THE INDUSTRIES OF THE WEST.

But it is not only the agricultural districts of the West that extend a welcome to the emigrant, but the thousands of thriving manufacturing centres that are following close behind the pioneer, and which have, within a comparatively short period, converted parts of the vast prairie land of Illinois, Indiana, Michigan and Missouri into veritable workshops, where are made every conceivable farming implement, and all kinds of manufactured goods that the growing interior of our country demands. Take Chicago for a centre and draw a circle with a radius of 200 miles, and we should inclose a region that annually makes more agricultural implements than any other section of the United States. The increased percentage of the town population to the rural population is not, in my belief, due so much to the overcrowding of our cities as to the springing up of manufacturing centres in the West. The following figures show the population living in cities and towns, and in the country, with the proportion of each class to the total population:

Cities and Towns.		Per cent.	Rural.	Per cent.
1850	3,131,675	23.5	10,208,727	76.5
1860	5,081,086	28.0	13,287,002	72.0
1870	7,841,950	34.0	15,215,023	66.0

No doubt the census of 1880 will show a still larger proportion. In 1850, less than one-quarter of the population of the United States lived in cities; now cities and towns contain upward of one-third. The change may be almost entirely accounted for by the change in the industrial condition of the West.

PRICE OF LABOR IN THE WEST.

The manufacturing States of the West are (if the figures of the Bureau of Statistics are worthy of credence) better places for the mechanic than the Eastern States. I have compiled from Mr. Young's work on "Labor in America and Europe" (for the year 1874) the following tabulated statement, showing the average annual and weekly earnings, and the annual expenditures of the

families of working men in the Eastern, Middle, Southern and Western States, respectively:

EASTERN STATES.

Total average yearly expenditures	$670 22
Total average weekly earnings	15 14
Total average yearly earnings	787 28

MIDDLE STATES.

Total average yearly expenditures	$786 52
Total average weekly earnings	18 95
Total average yearly earnings	985 40

SOUTHERN STATES.

Total average yearly expenditures	$818 07
Total average weekly earnings	16 09
Total average yearly earnings	836 76

WESTERN STATES.

Total average yearly expenditures	$714 75
Total average weekly earnings	18 19
Total average yearly earnings	945 88

While I do not claim that these figures are as reliable as those I shall call attention to further along, from the reports of the Labor Bureau of Massachusetts, I do think it fair to presume that, comparatively speaking, they may be regarded as correct. From them we learn that the average yearly earnings of workmen was highest in the Middle States, $985.40; but the cost of living was $786.52, making the annual saving $198.88. The Western States come next: average yearly earnings, $945.88, and average expenses, $714.75; annual savings, $231.13. In the Eastern States the amount of average annual earnings was $787.28; annual expenses, $670.22; saving, $117.06; in the Southern States the annual savings were only $18.69. Here we have it:

Western States	$231 13
Middle States	198 88
Eastern States	117 06
Southern States	18 69

These figures naturally suggest the inquiry: Is the West as promising a land to the manufacturer as I have already shown it is to the agriculturist? Will it attract both industries? This question has been answered in a general way, by Mr. Leonard Courtney, in a recent lecture. He believes that the law of distribution of labor depends upon the relative and not upon the absolute superiority of certain districts as settlements for labor. Thus, if a country were discovered where the agriculturist could work at double the advantage he had in his own country, while a manufacturer could only increase his productive energy there fifty

per cent., the free course of industry would deliver the country over to agriculture, and would leave manufactures to their former seats. This was the movement at first in regard to the settlement of the nine States under consideration, and is now in the newer States, where the superiority of agricultural industry is maintained. Not so in Illinois, Indiana, Missouri and Michigan, where manufacturing can be carried on cheaper, and labor paid better, in proportion to the cost of living, than in the Middle and Eastern States. Lots are cheap in Western towns, and the careful, industrious mechanic soon has a home of his own, and he becomes identified with the city in which he lives.

The pressure of hard times was not felt to any great extent among those employed in the manufacturing establishments of such places as Springfield (Ill.), Rockford, Peoria, Moline, Rock Island, Racine, Evansville, Richmond, South Bend, Dubuque, Davenport, Grand Rapids, Detroit, Jefferson, St. Joseph, and a hundred other such cities in the West, all of which are manufacturing machinery, farming implements, iron, steel, cotton, tacks, nails, etc. Now that business is showing signs of revival, these towns are the first to begin work again. Each factory has started up with the same gang of men. These men, as I have shown, own their house and a good-sized garden beside, and during the dull times they have been working half time. A prominent Rockford (Ill.) manufacturer said to me the other day: "Our firm have aimed to keep the hands partly employed through these hard times, and now we have started up in full blast again. I find hardly a new face in the shop. We have tided the men over because they have become part and parcel of the city of Rockford. They have met us half way in everything, and now we propose to stand by them. In the darkest hour for Western manufacturers we never had any fear about our men." As a result of this policy, the smoldering communist fire of Chicago, which needed but a breeze from the outside towns to fan it into a destructive blaze, has been kept down until it has almost given its last flicker. In fact, not an outside manufacturing city in the State sent a socialist to the State Legislature, and not a communist measure could secure so much as a vote from a member of one of those thriving little manufacturing towns, where strikes and lockouts, and laborer and capitalist warfare are unknown. The result is, the industries of the West, taken as a whole, are in a more healthy condition just now than ever before.

THE WEST AND THE IRON TRADE.

The West is growing more important every year in manufacturing; and in industries where recent and reliable data can be obtained, the strides made within the past few years are surprising, and worthy of the most careful consideration of political economists. In 1878, the State of Illinois made as many iron rails as the whole United States did in any one year prior to 1860. The four States of Illinois, Wisconsin, Indiana and Kansas produced last year, 266,783 tons of rails, upward of thirty per cent. of all the rails produced in 1878 in the United States. Illinois and Indiana alone produced half a million tons of cut nails, over one-ninth of the total production of the country. The spring of the present year witnessed the starting of new nail manufactories at Omaha, Nebraska, and at Centralia, Ill. The total production of rolled iron of all kinds in the United States for 1878, was 1,555,576 tons; of this, Indiana, Illinois, Michigan, Wisconsin, Missouri and Kansas produced 232,553, or about one-seventh. The ore in the iron regions of Michigan and Missouri is very rich, and free from injurious ingredients, and is capable of being successfully employed for the manufacture of all varieties of iron and steel. Professor Newberry, one of the best authorities on the subject, has observed that in these two iron districts the inhabitants of the Valley of the Mississippi have a supply of remarkably rich and pure ores, which is not likely to be exhausted for some hundreds of years, and which, from the small amount of phosphorus which they contain, will be the chief dependence of the American people for the manufacture of steel. To Chicago and Milwaukee and other points on the shores of the great lakes, the ore of the Lake Superior iron regions is floated cheaply, and is manufactured where disembarked, or is distributed through the interior of Illinois and neighboring States, to be brought in still closer proximity to the coal. Already, as will be presently shown, an immense iron rail industry, second only to Pennsylvania, has grown up, based on the relations which have been briefly indicated between the ore and coal. The increase of population on the shores of these lakes within the past quarter century, is without parallel in history, and twenty-five years more will witness a still greater growth. The demand for iron will be greater than ever before, and will be met by the Western instead of the Eastern markets. This demand, according to Professor Newberry, must

be furnished from three points or lines of manufacture: First, near the mines, where a limited quantity of iron will be produced from charcoal, and coke or coal brought as return freight; second, along the shores of the lakes, where the ore is transhipped and meets the coal from the interior, as in Chicago; third, in the vicinity of the coal mines, to which the ore is brought overland by rail, as at Springfield and Joliet. Neither of these points or lines can monopolize the iron manufacture, since return freights must be furnished to empty coal-cars as well as empty ore vessels. The preponderance of the lake shores or the interior will be determined mainly by the point to which economy of fuel can be carried in our iron manufacture. With keen foresight and enterprise, the West, and especially Illinois, has taken the newest and now most profitable branch of the iron trade — the manufacture of steel rails. The Bessemer process was introduced into the United States about ten years ago. From a volume published by the State of Pennsylvania, entitled, "Iron-making in Pennsylvania," page 58, I learn that the first Bessemer steel rails ever rolled in the United States were made at the North Chicago Rolling Mill, on the 24th day of May, 1865.

In the manufacture of Bessemer steel rails, Cook County, Ill., has already distanced Allegheny county, Pa. Last year, that great centre of the iron trade, according to William P. Shinn, Esq., manufactured 72,246 tons of Bessemer steel rails. Chicago, during the same time, turned out 123,000 tons, and if the neighboring county of Will is counted in, the amount is increased to 178,000 tons, or 33,608 tons more than twice the entire production of Allegheny county. Last year, the State of Illinois produced nearly one-third of all the Bessemer steel rails produced in the United States. In this way have Western industries multiplied, until, in the absence of reliable data, it would be difficult to even approximate the aggregate production in branches of trade where no care is taken to collect statistics. A few years ago all our best furniture came from Boston. Said a leading Chicago furniture dealer to me the other day: "Not one dollar's worth is now bought east of Grand Rapids."

Another gentleman, just from Scotland, informs me that the leading hotel in Glasgow is furnished from top to bottom with furniture from Grand Rapids, Mich., which can be delivered in Scotland twenty-five per cent. cheaper than the same quality of goods can be procured there. A small town in Indiana is com-

pleting a large order for wagons for an English firm, who ships them via Liverpool to South Africa.

The proprietor of the Chicago Nail Works said the other day: "I well remember the time when the first nail factory was built outside of Pittsburg. The people of Pittsburg smiled, for they thought nails could not be made outside of that town. But the enterprise succeeded, and now farther west than Chicago we are competing with Pittsburg in nails."

There is but one conclusion from these facts, that the labor of the country is gradually congregating where it can be most efficiently employed, and that manufacturing interests are bound to develop in and around the great iron and coal districts of the West, and near the vast lumber regions of the North; second, that the further the agriculturist pushes West, where his labor will be more liberally rewarded, the more important will become the manufacturing industries of the West.

THE FLOW OF POPULATION.

Before attempting to ascertain the extent of these enterprises of the West, as compared with the East, I will call attention to the aggregate population of the nine Western States, included in the imaginary line, in order to compare it with the nine Eastern States, which nearly correspond in population. In the following table I have used the latest State census reports as far as possible. In States where no census reports have been taken since the United States census of 1870, I have based my figures on estimates made by Mr. Elliott (one of our ablest statisticians), in the "Statistical Atlas of the United States":

EASTERN.		WESTERN.	
State.	Population.	State.	Population.
Maine	650,000	Michigan	1,500,000
New Hampshire	320,000	Indiana	2,040,000
Vermont	330,000	Illinois	3,500,000
Massachusetts	1,821,000	Wisconsin	1,400,000
Rhode Island	300,000	Minnesota	765,000
Connecticut	630,000	Iowa	1,700,000
New York	4,995,000	Missouri	2,400,000
New Jersey	1,132,000	Kansas	850,000
Pennsylvania	4,125,000	Nebraska	500,000
Total	14,303,000	Total	14,655,000

The populations of these two sections, surprising as it may seem to those who have not given the subject a thought, are now nearly equal, the West having about 300,000 more than the East. The migration of industries westward, and the development of hundreds of small manufacturing towns on the prairies, renders it impossible to form a correct estimate of the growth of manufacturing establishments as we have done in regard to population. No real information as regards that growth and extent can be expected until 1880, when the census report will tell the story. The latest authentic reports in regard to the number of manufactories in the Eastern and Western States may be found in the following table, which I have compiled from the census reports of 1870:

EASTERN.			WESTERN.		
States.	No. Manufactories.	No. hands employed.	States.	No. Manufactories.	No. hands employed.
Maine	5,550	49,180	Michigan . . .	9,455	63,694
New Hampshire	3,342	40,783	Indiana . . .	11,847	58,852
Vermont . . .	3,270	18,686	Illinois	12,592	73,045
Massachusetts .	13,212	279,380	Wisconsin . .	7,013	43,883
Rhode Island .	1,850	49,417	Minnesota . .	2,072	9,726
Connecticut . .	5,128	89,523	Iowa	6,566	25,032
New York . . .	36,206	351,800	Missouri . . .	11,871	65,354
New Jersey . .	6,636	75,552	Kansas* . . .	1,477	30,087
Pennsylvania .	37,200	319,487	Nebraska . .	670	2,665
Total	112,394	1,273,809	Total . . .	63,563	372,338

GROWTH OF CHICAGO.

In 1870 the West had over half as many manufacturing institutions as the East, but employed less than one-third as many hands. No complete figures can be obtained which show the actual growth of manufacturing interests in the West; but to give a fair idea of the general growth, let me call attention to the summary of the manufacturing establishments of Chicago at the close of 1878. These figures are reliable, and were compiled by Mr. Colbert, of the Chicago *Tribune*, one of the leading statisticians of the West. Below I present them:

Number of establishments	2,617
Number of workers	67,504
Aggregate wages paid	$31,007,000
Capital employed	85,782,000
Value of product	227,560,000

* Recent statistics.

It will be seen that Chicago employs now within 6,000 of the total number of men employed in industrial pursuits in 1870 in the whole State. Here we have eight years' industrial progress in Chicago:

	1870.	1878.
Number of establishments	1,440	2,617
Number of workers	31,105	67,504
Capital employed	$39,372,276	$85,782,000
Value of product	92,518,742	227,560,000

In eight years the manufacturing interests have nearly doubled in number; furnish work for more than double the number of hands; employ over double the capital, and annually produce more than twice the amount of goods. There are many other Western cities that have increased their manufactories at the same ratio as Chicago, and the next census will show 800,000 workmen employed in 100,000 Western manufactories.

FARMING VS. MANUFACTURING.

I present below a table showing the number engaged in manufacturing, mechanical and mining occupations in the nine Western and nine Eastern States, side by side with those engaged in farming.

EASTERN.			WESTERN.		
States.	No. engaged in Farming, 1870.	No. engaged in Manufacturing, etc., 1870.	States.	No. engaged in Farming, 1870.	No. engaged in Manufacturing, etc., 1870.
Maine	82,011	62,007	Michigan	187,211	82,637
New Hampshire	46,573	46,553	Indiana	266,777	76,057
Vermont	57,983	22,616	Illinois	376,441	133,221
Massachusetts	72,810	292,665	Wisconsin	159,687	53,517
Rhode Island	11,780	47,007	Minnesota	75,157	18,588
Connecticut	43,653	86,344	Iowa	260,263	47,319
New York	374,323	476,775	Missouri	263,918	79,850
New Jersey	63,128	103,322	Kansas	73,228	18,126
Pennsylvania	260,051	356,240	Nebraska	23,115	5,763
Total	1,012,312	1,493,529	Total	1,635,797	515,278

The number engaged in farming in the West in 1870, was 1,635,797; in the East, 1,012,312; in manufacturing and mining pursuits in the West, 515,278; in the East, 1,493,529. While the West had nearly 625,000 more men engaged in farming than the

East, the latter had nearly 1,000,000 more than the former engaged in manufacturing. But it must be borne in mind that the mines of Pennsylvania help to swell the Eastern figures.

ANALYSIS OF WAGE-WORKERS.

Without placing particular stress upon the fact already brought out, that the condition of the Western mechanics is so much better than that of those in the East, we will search the most reliable quarter for figures showing the actual value of mechanical labor to the State when compared with the value of the labor of the agriculturist. The most extensive investigation ever instituted, with a view of finding out the earnings and the cost of living of wage-laborers, was that made in 1875 by the Bureau of Statistics of the State of Massachusetts. For the year ending May 1, 1875, the bureau obtained returns from employers, showing the yearly wages of 266,339 employés of both sexes; and, also, from 71,339 persons direct — 55,515 males and 15,324 females — who were recipients of wages. The general results arrived at from the analysis of this great body of statistics were as follows:

Number of employés in manufacturing	235,951
Number of employés in occupations	30,388
Average yearly wages in manufacturing	$462.27
Average general wages in occupations	580.45

In both manufacturing and in "occupations" there were 266,-339 employed, and the average yearly wages paid was $475.76. It was also ascertained that the average number dependent upon each wage-worker was 2.97, or, including the worker, 3.97. If we assume 2.97 persons as dependent on an average on the earnings of the wage-receiver for support, and $475.76 as representing the average annual earnings of each such worker, then the annual per capita income of all that portion of the population of Massachusetts dependent, in 1875, on wages for their support, was $172. From the answers returned after direct application by 39,543 males, and 7,701 females (working for wages), respecting the aggregate yearly cost of their living, and as I have shown from a much larger number of wage-receivers respecting the annual income, the bureau deduced the following conclusions: Average yearly earning (wages), males, $482.72; females, $168.76; annual cost of living, males, $488.96; females, $181.86. It will be seen that the yearly earnings of the wage class were a trifle lower than the cost of living. The Labor Bureau of Massachusetts offers this explanation: That in the majority of cases, the workingmen

of that State do not support their families by their individual earnings alone; that children supply from one-fourth to one-third of the entire family earnings; that more than one-half of the families of workingmen in the State save money; less than one-tenth are in debt, and the remainder make both ends meet. In the report of the bureau for 1876 (p. 342), it was estimated by the director, that the average annual income of both working men and women combined in Massachusetts, from all sources — usual daily wages, other earnings, garden crops, and, in the case of married men, from the earnings of wife and children — was $459.93; cost of living, $439.09; possible average savings only $20.82, or less than five per cent. of the annual income. In commenting on this, the Hon. David A. Wells, in his valuable essay on the "Elements of National Wealth," says:

Be the value of the annual product what it may, by far the largest proportion of such product must necessarily be consumed as rapidly as produced, in order that the individual constituents of the nation — its men, women and children — may simply live and make good the loss and waste of capital previously accumulated, leaving but a small fraction of the annual product in the form of surplus, or accumulation, which can be used for effecting future increased production and development.

This is, of course, true of a State like Massachusetts, with 72,000 persons engaged in farming, but does it apply with equal force to a State like Illinois, with upward of 375,000 persons engaged in agricultural pursuits, and where the agricultural and industrial interests are more equally blended; where even the mechanic is a small land owner, and where those engaged in agricultural pursuits accumulate wealth at a much greater ratio than it is possible for *the same proportion* of the inhabitants of a State to do, in a purely industrial community? Great fortunes may be accumulated, it is true, but the general welfare and prosperity of the greatest number of people and the creation of the greatest per capita amount of wealth is achieved in the community in which the two great interests are most equally divided. Indeed, Mr. Wells himself admits this in the following words, from a recent article in the "International Review":

Instances have not been uncommon where the crop of the first year has reimbursed the pre-emptor (settler) on the fertile lands of the West and Northwest, not only for the small government payment requisite for the attainment of a fee simple in the land, in the first instance, but also for the expenses of cultivation, inclosure, a moderate supply of farm implements

and animals, and the personal subsistence of the cultivator until the realization of a second crop.

TAXATION AND DEBT.

The relation which taxation, national, State, and local, sustains to the annual product and savings of the State is a consideration that cannot be left out of an inquiry of this kind.

The following table I have compiled from a recent estimate made in the *International Review;* it shows the taxation per capita of the States under consideration:

EASTERN.		WESTERN.	
States.	Taxation. Per capita.	States.	Taxation Per capita.
Maine	$8 49	Michigan	$4 57
New Hampshire	10 22	Indiana	6 42
Vermont	6 50	Illinois	8 59
Massachusetts	17 10	Wisconsin	5 10
Rhode Island	9 98	Minnesota	6 02
Connecticut	12 28	Iowa	7 58
New York	11 07	Missouri	8 08
New Jersey	8 18	Kansas	7 35
Pennsylvania	7 00	Nebraska	8 35
Average	$10 09	Average	$6 89

Taxation per capita in the West is less than in the East; the average for the Eastern States being $10.09; for the Western, $6.89. The excess of taxation in the East is undoubtedly largely due to the heavy State and local debts of that section of the country. The West is not so badly in debt as some of the Eastern newspapers would have people believe.

WESTERN LOANS.

Eastern capitalists have loaned large sums of money on Western real estate. In most cases, these investments have proved judicious ones, — far better than those loaned on the lots and city property of many Eastern cities, — take the city of Elizabeth or Rahway (N. J.) for instance. But even in cases where the mortgages have been foreclosed, the land has become the property of the Eastern money-loaner, and in many cases has resulted in bringing him West to live. The demand for this Eastern capital is now decreasing, for money in the West, as we improve in

financial prosperity, has become more plentiful, and loans can be negotiated at home. There is not a legitimate business in the West that is suffering for the lack of capital. The State and local debts are being refunded at a lower rate of interest. Iowa has refunded, saving 3 per cent. per annum; Illinois, 2 per cent., and the process is now going on in other States. Local and State bonds West are now judged purely from a commercial standard, and a large share of them are taken at home. The report of the Connecticut Bank Commissioner shows that the savings banks of that State have only $185,350 loaned on Western bonds of all kinds and real estate mortgages; and of this amount two banks have $99,150 in State bonds of Indiana, Illinois, and Missouri; and two others, $11,000 and $9,000 respectively, of Chicago city bonds.

STATE DEBTS — EAST AND WEST.

The prevailing idea that the West is heavily in debt is entirely a mistaken one, as I shall endeavor to show by figures that are incontrovertible. First in order is presented a tabulated statement showing the bonded State debt of the Eastern and Western States, respectively:

EASTERN.		WESTERN.	
States.	Total debt, 1878.	States.	Total debt, 1878.
Maine	$5,818,900	Michigan	$1,392,149
New Hampshire	3,306,100	Indiana	3,614,783
Vermont	137,000	Illinois	558,442
Massachusetts	32,499,464	Wisconsin	2,252,057
Rhode Island	2,544,000	Minnesota	300,000
Connecticut	4,967,650	Iowa	300,000
New York	14,747,304	Missouri	16,758,000
New Jersey	2,569,300	Kansas	1,029,175
Pennsylvania	21,478,550	Nebraska	549,267
Total	$88,068,268	Total	$26,793,873

The aggregate State debt of the Eastern States is $61,274,395, more than that of the nine Western States, with about the same population; or, in other words, the State debt of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, with a population of 14,600,000, is about $6,000,000 *less* than the debt of the Commonwealth of Massachusetts, with a population of 1,821,000.

LOCAL DEBTS EAST AND WEST.

In the second place, I present a table showing the amount of local debt of the East and West, in 1870. The following statement is compiled from the last census reports:

EASTERN.		WESTERN.	
States.	Total local debt, 1870.	States.	Total local debt, 1870.
Maine	$8,556,724	Michigan	$4,000,203
New Hampshire	8,335,504	Indiana	3,650,803
Vermont	2,692,200	Illinois	37,300,932
Massachusetts	40,940,657	Wisconsin	3,651,475
Rhode Island	3,025,142	Minnesota	2,436,795
Connecticut	9,813,006	Iowa	7,568,635
New York	127,399,090	Missouri	29,043,865
New Jersey	19,858,104	Kansas	4,842,976
Pennsylvania	57,915,469	Nebraska	1,841,964
Total	$278,535,896	Total	$94,337,648

In 1870, the local debt of the nine Western States, was $94,337,-648, and of the corresponding Eastern States, $278,535,896, or $184,198,248 more than the West. The following tabulated statement, showing the local indebtedness of the Western and Eastern States at the close of the year 1878, has been prepared with great care, and I believe it to be as near correct as possible. It should be remembered that only a few States keep any record of their local indebtedness.

EASTERN.		WESTERN.	
States.	Total local debt, 1878.	States.	Total local debt, 1878.
Maine	$16,000,000	Michigan	$8,000,000
New Hampshire	5,430,420	Indiana	6,200,000
Vermont	4,100,000	Illinois	51,811,691
Massachusetts	89,601,156	Wisconsin	9,931,158
Rhode Island	12,289,564	Minnesota	5,272,230
Connecticut	17,151,327	Iowa	14,000,000
New York	244,079,859	Missouri	35,343,155
New Jersey	36,502,722	Kansas	13,473,197
Pennsylvania	115,000,000	Nebraska	2,000,000
Total	$540,155,048	Total	$146,032,037

SUMMARY OF THE DEBTS.

From these figures, it would seem that the county, city, and township debts of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, with a population of 14,300,000, is $540,155,048; and that of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, with a population of 14,600,000, is $146,032,037. Total excess of indebtedness of East over West, $394,123,011. If we glance back for a moment, and compare the table of local indebtedness for 1870 with the one I have compiled for 1878, it will be seen that local debts in the East increased in eight years from $278,535,896, to $540,155,048, an increase of $261,619,152; while the West, in ten years of great development, increased its local debt $51,694,389, or from $94,337,648 to $146,632,037. The State and local debts of the eighteen States under consideration may be summed up as follows:

Eastern population . .	14,300,000	Western population . .	14,600,000
State debt	$88,068,268	State debt	$26,793,873
Local debt	540,155,048	Local debt	146,032,037
	$628,223,316		$172,825,910

The fact that the true value of property in the Eastern States is greater than in the Western must not be overlooked. The real value of property in the former is estimated at $15,000,000,000, in the latter at not less than $10,000,000,000, an excess of $5,000,000,000. The fact may be stated this way:

The East has about 33⅓ per cent. more property than the West.
But it also has 350 per cent. more debt.
So much for State and local debts.

COMMERCIAL ENTERPRISES.

It has been my endeavor to show that the West is not so badly in debt as some presumably well-informed people imagine. I will now turn to the commercial world, and see how the West compares with the East when viewed from a commercial standpoint. The mercantile failures since the panic do not show that business enterprises have been less successful in the West than in the East. On the contrary, there is a considerable balance in favor of the

West. I have compiled the following interesting table from the reports of Dunn, Barlow and Co., for the years 1873, '74, '75, '76, '77, and '78,:

	EASTERN STATES. Population, 14,303,000.	WESTERN STATES. Population, 14,655,000.
Year.	Liabilities.	Liabilities.
1878	$127,416,804	$45,939,892
1877	98,375,123	46,609,672
1876	107,499,535	43,971,035
1875	122,278,010	27,465.890
1874	97,348,000	24,592,000
1873	169,833,000	24,720,000
	$722,750,472	$213,298,489

The total liabilit'es in the six years in the Eastern States were $722,750,472; in the Western States with the same population, $213,298,489, or $509,451,983 less than the aggregate liabilities of the nine Eastern States. Estimating the average yield of failed estates to be 33⅓ pet cent. (under operation of the national bank law it fell far short of that), the actual loss to Eastern capital by the failures of the past six years was $481,833,648. This amount is equivalent to the entire wheat and corn crop of the Western States for 1877, combined with the entire corn crop of the Eastern States for the same year (aggregate of these crops being about $480,000,000). This is a serious loss that individuals have to bear, to be deducted from the profits of business or to trench on the accumulations of previous years.

THE PROGRESS OF A NATION

does not depend on what it has accumulated, but on the continuity of those processes and resources by which the wealth was won in the first instance. Mr. Edward Atkinson, of Boston, has shown this very clearly in a recent investigation. After deducting from the assessors' valuation the value of the land, which is a gift of God to the race, and is not the work of man, and making other and sufficient allowance for omissions in valuation, and for the

counting of debts, bonds, notes, mortgages, etc., as property, he says (1) that the entire capital of the Commonwealth of Massachusetts saved for future use—its mills, works, railroads, dwellings, warehouses, goods, furniture, material on hand—is less in value than $1,000,000,000 or in the ratio of $600 per capita; (2) that the value of the annual product of labor and capital of the State for 1875 at its point of ultimate distribution, making allowance, as before, for duplications and omissions in valuation, was about $500,000,000, or a trifle in excess of $300 per capita. It therefore follows from this estimate of existing ratio of capital to production and subsistence in Massachusetts that, if the people of that State should now, "all cease to work, and could eat and wear their houses, railroads, factories, and goods of all kinds, they would consume them all within *two* or *three* years, and come down to the same necessity as their Pilgrim Fathers experienced, only worse, because the present population of Massachusetts could not at once get a subsistence from its soil, if forced to work with only as much capital in form of tools, as the Pilgrims brought over with them."

THE ACTUAL RESOURCES OF A STATE.

These facts show how much the actual resources—the product of the soil and the mine—have to do with the progress of a nation. Mr. Courtney, in his lecture, referred to elsewhere, shows that man, in the satisfaction of his own wants, follows what mathematicians call "the law of least effort;" and, when his movements are free, as in the United States, the conformity of his action with this principle may be closely traced. It is in this way, by a process of selection of which the individuals engaged in it are themselves often unconscious, that industries shift to those spots where they are pursued under conditions admitting the greatest return for the least expenditure of labor. The course of manufacturing in the United States, in thus running along the lines of least resistance, must turn to the region (other things being equal) where food and land are most plentiful. This advantage which the West has to offer must not be forgotten, and to bring it to your consideration I have compiled from the last report of the Department of Agriculture the amount of the four

principal Western crops, as compared with the same crops in the nine Eastern States:

	Eastern States.	Western States.
Corn	$47,210,900	$225,128,500
Wheat	45,213,875	208,992,854
Cattle	61,006,452	121,503,022
Hogs	20,652,899	68,262,653
Total	$174,084,126	$623,887,029

This advantage in crops enabled the West to hold out longer during the panic, and, now a change has come about, the Western States are the first to turn the corner on the road to prosperity.

THE FINER POINTS.

It will be seen by those who have followed me, that the simplification of machinery and the improvements in the combustion of coal for the utilization of a larger portion of the force contained in each ton, combined with increased railroad advantages, tend to make great manufacturing interests less and less dependent on location, and more and more dependent on what Mr. Atkinson very appropriately calls the "finer points." It is not, says that gentleman, very many years since a young man came to New England from the far West to visit the works where plows were made; he told the New England craftsmen that they did not fully understand the nature of the prairie soil, that they had not calculated the true curves of least resistance, and that he intended to establish a plow factory on the Mississippi. They did not much fear his competition, but his great factory, employing hundreds of workmen, now furnishes plows even for the Eastern use. There are many other instances where the West has stolen a march upon the East. When at a small town in Indiana, a few days ago, I saw forty car loads of plows, from one factory, pulled out of the depot. The inventor of that plow, a Western man, has given to millions of agriculturists the most important improvement of our century in the American plow. It is by watching the "finer points" that the West has gained its present foothold. Science has been brought to bear, and all the leading iron establishments have laboratories connected with the works, and regular salaried

chemists. I know of a dozen firms here in the West that have each spent from $10,000 to $50,000 within the past few years, making elaborate experiments with a view of bettering the quality of the mold-boards of the plows. Not infrequently the suggestions of Western men in Sheffield and Pittsburg have been laughed at, but in nearly every case they have demonstrated they were right.

OUR NATIONAL GREATNESS.

The history of the world's industries is a history of migrations. How many of the world's great industrial centres have now dwindled to "green solitudes, whose silence is broken only by the sound of the babbling brook?" The present generation has seen many industries which once flourished in one section of the Union, die out and grow up in another. An account of the changes of this kind, which have taken place in England, may be found in the *Fortnightly Review* for December, 1878. Industries, as I have shown, will run along the lines of the least resistance, and agriculturists resort to regions where their labor is the most liberally rewarded. If industries cease to be profitable in the East, because food and raw material is more easily obtainable elsewhere, the population of the United States will continue its westward march, and industrial centres will seek the vast interior of the continent, regardless of the energetic efforts to retain them where they have been once planted. If such a change should take place, it must be borne in mind that, after all, we are but a part and parcel of one great nation. The lines we have drawn are but imaginary, and I trust that, whatever struggle is in store for us, the spirit of wisdom may prevail and lead the nation on to that national greatness, the contemplation of which will absorb all sectional differences.

A REPORT FROM THE COMMITTEE ON THE PROTECTION OF LIFE FROM CASUALTIES IN THE USE OF MACHINERY.

BY PROF. WILLIAM WATSON, OF BOSTON.

(Read September 11, 1879.)

It is a recognized principle that a manufacturer owes to his workmen something besides their wages: he should occupy himself with their physical and moral well being; and this moral obligation, which no wages can replace, transcends all individual interests.

Admitting the most perfect laws and the best defined responsibilities, there would still remain a certain number of victims who would pay by their limbs or their lives the penalty of inexperience, of forgetfulness, or of a slight infraction of the rules of the workshop.*

Nothing is sadder, or more dangerous, than that fatality which regards the number of accidents as an almost immutable penalty paid for machine labor. An enlightened industrial progress repels such a proposition by the adoption of administrative regulations, based upon this incontestable principle: "The interest of all is the just limit of the interest of each."

By a striking coincidence, England, so remarkable for its textile fabrics, affords us the example of the most tutelary laws in favor of the working classes.

ENGLAND.

English factory legislation began in 1832, and has continued up to the present.

In May, 1878, an act was passed to consolidate and amend the law relating to factories and workshops. This act contains one hundred and seven sections, and appended to it are six schedules, — the whole prepared with great fulness and minuteness of detail.

In view of the importance of the subject, and the demand for further legislation in this country for the protection of workmen, a

* For example, the number of accidents in the manufactories of England, during one year, from machines, was 4,765, of which 60 occasioned death. Accidents not produced by machines 490, of which 9 produced death.

detailed statement will be given of those provisions of the act which relate to "dangerous machinery and accidents." *

Administration, Inspection, etc. — A Secretary of State from time to time, with the approval of the Treasury as to number and salary, is to appoint such inspectors and such clerks and servants as he may think necessary for the execution of the act, and assign to them their duties and award them their salaries. He may also appoint a principal inspector with an office in London. The inspectors, etc., are also removable by him. The salaries and other expenses incurred are to be paid out of money provided by Parliament. No person who is an occupier of a factory or workshop or is interested therein, or in any process or business carried on therein, or in any patents connected therewith, or is employed in or about a factory or workshop, is eligible as an inspector. Such annual reports of the proceedings of inspection are to be made to Parliament as the Secretary of State may from time to time determine. Every inspector is to be furnished with a certificate of his appointment which he must exhibit, if required, on applying for admission to a factory or workshop.

An inspector appointed under the act has power to do all or any of the following things:

1. To enter, inspect, and examine at all reasonable times by day and night a factory and workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop.

2. To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

3. To require the production of the registers, certificates, notices and documents kept in pursuance of the act, and to inspect, examine and copy the same.

4. To make such examination and inquiry as may be necessary to ascertain whether the enactments in force relating to public health, and the enactments of the act, are complied with, so far as respects the factory or workshop and the persons employed therein.

5. To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated.

6. To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under the act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be, or to have been within the preceding two months, employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined.

7. To exercise such other powers as may be necessary for carrying the act into effect.

*For the following abstract of the Act of 1878, I am indebted to Prof. Platt, of New Haven.

The occupier of every factory and workshop, his agents and servants, are to furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or other exercise of his powers under the act in relation to the factory or workshop.

Every person who wilfully delays an inspector, or fails to comply with a requisition of an inspector made under the foregoing provision, or to produce any certificate or documents which he is required by the act to produce, or who conceals or prevents or attempts to conceal or prevent a child, young person or woman from appearing before or being examined by an inspector, is deemed to obstruct an inspector in his duties under the act, and is liable to a fine not exceeding five pounds, or, where the offence was committed in the night time, twenty pounds.

Before an inspector may enter, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory or workshop, he must, on an affidavit or statutory declaration of facts or reasons, obtain written authority so to do from a Secretary of State, or a warrant from a Justice of the Peace.

A Justice of the Peace, if satisfied by information on oath that there is reasonable cause to believe that any enactment of the act is contravened in such room or place, may, in his discretion, grant a warrant authorizing the inspector named therein, at any time within the period named therein, not exceeding one month from date, to enter the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by the act.

Provision is also made for the appointment of certifying surgeons by inspectors, subject to the regulation of the Secretary of State. The duties of such surgeons will be hereafter particularly referred to, the most important being an examination of children and young persons with reference to their fitness for employment.

Definitions. — The terms factories and workshops are defined and distinguished with great care. Factories are divided into textile and non-textile. Speaking generally, the term "factory," for the purposes of the act, includes any premises wherein steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacturing of certain goods, the character of the subject of manufacture distinguishing textile from non-textile factories.

Speaking in the same general way, the term "workshop" includes any premises, room, or place (may be in the open air), not being a factory within the meaning of the act, in which any manual labor is exercised by way of trade or for purposes of gain in or incidental to the making, altering, repairing, ornamenting, or finishing any article, or adapting it for sale, and to which, or over which premises, room, or place, the employer of the persons working therein has the right of access or control.

The expression "child" means a person under the age of fourteen years.

A "young person" means a person of the age of fourteen years, and under the age of eighteen years.

A "woman" means a woman of eighteen years of age and upwards.

Dangerous Machinery and Accidents. — Certain portions of a mill, as hoists, fly-wheels, wheel-races, mill-gearing, vats, etc., are to be fenced, and wherever the machinery, by reason of its character or situation, is, in the opinion of the inspector, so dangerous as to be likely to cause bodily injury to any one employed in the factory, he is to serve on the occupier a notice requiring him to fence the part of the machinery which he deems to be dangerous. The occupier may, by serving a requisition on the inspector within seven days of the receipt of the notice, refer the matter to arbitration.

A child is not allowed to clean any part of the machinery of a factory when in motion. A young person or woman is not allowed to clean such part of the machinery as is mill-gearing, while the same is in motion. A child, young person, or woman is not allowed to walk between the fixed and traversing part of any self-acting machine while the same is in motion.

When an accident occurs in a factory or workshop, causing loss of life or bodily injury of such nature as to prevent the person injured returning to his work within forty-eight hours, written notice of the accident is to be forthwith sent to the inspector and certifying surgeon of the district by the occupier, stating the residence of the person killed or injured, or the place to which he may have been removed. A failure to give such notice makes the occupier liable to a fine of not less than £5. When a certifying surgeon receives notice of an accident it is his duty, with the least possible delay, to proceed to the factory or workshop, and make a full investigation as to the nature or cause of the death or injury caused by the accident, and within twenty-four hours send to the inspector a report in regard to the same.

All offences under the act are to be prosecuted, and all fines recovered, on summary conviction before a court of summary jurisdiction.

If a factory or workshop is not kept in conformity with the act the occupier is liable to a fine not exceeding £10. The court, in addition to or instead of inflicting a fine, may make an order requiring the factory or workshop to be kept in conformity with the act, and if such order is not complied with the occupier is liable to a fine not exceeding £1 for every day such non-compliance continues.

If any person is killed or suffers any bodily injury in consequence of the occupier having neglected to fence any machinery, etc., required by the act to be fenced, or having neglected to maintain any such fence, such occupier becomes liable to a fine not exceeding £100, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise, as a Secretary of State determines.

Miscellaneous Provisions. — Every person must, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situated, the address to which he wishes his letters addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default is liable to a fine not exceeding £5.

Occupiers are required to keep in the prescribed form and with the pre-

scribed particulars registers of the children and young persons employed in the factory or workshop, and of their employment, and of other matters under the act, and to send such extracts from the register to the inspector as he may require.

The act prescribes that there shall be affixed at the entrance of a factory or workshop, and in such other parts as an inspector directs, and be constantly kept so affixed in the prescribed form, and in such position as to be easily read by the persons employed in the factory or workshop:

(1.) A prescribed abstract of the act.

(2.) A notice of the name and address of the prescribed inspector.

(3.) A notice of the name and address of the certifying surgeon for the district.

(4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated.

(5.) Every notice and document required by the act to be affixed in the factory or workshop.

The act makes little change in the English factory system, being for the most part a consolidation of previous legislation with such change in matters of detail as experience has suggested. An idea may be obtained, therefore, of the working of the act from the reports made to Parliament from time to time by the inspectors previous to January 1, 1879. All proper means are used to detect and suppress violations of the law, but no attempt is made to exact a large sum by way of fines and penalties. One of the ablest and most experienced inspectors says in a report: "We are happy to have the law kept by warnings when warnings are sufficient; but we are bound to enforce it when remonstrances have failed. I rejoice when the opportunity is afforded me of passing by transgressions; but I cannot forget that the Factory Acts were enacted for the benefit of both masters and workers, and that it is our duty to hold an even hand between those that are willing to obey the law, and those who seek undue advantages by disobeying it."

FRANCE.

In 1867 there was formed at Mulhouse, under the auspices of the Industrial Society of that city, an "Association for the Prevention of Factory Accidents." The objects of this Association are as follows: To prevent those factory accidents which can be avoided either by official regulations, or by the adoption of those contrivances best adapted to ensure the workmen's safety. The officers of the Association consist of a president, secretary, and a paid inspector. The inspector's duties are as follows:

1st. To visit the factories and workshops for the purpose of preventing accidents. (In these visits he must always be accompanied by the superintendent of the establishment visited, or his representative.) 2d. To keep a register of his observations, not for

the public, but for the exclusive use of the members of the Association. 3d. To take notes of all accidents, and after hearing the testimony of the superintendents and workmen, to report the means of avoiding such casualties in future. 4th. To leave at each establishment visited a written note, mentioning his observations. 5th. To make an annual report on the contrivances best adapted to prevent factory accidents. The funds of the Association are raised by an assessment of $2 per 1,000 spindles, four cents for each loom, and $4 for each calico printing machine. The inspector is also required to prepare a Workman's Manual, to be placed in the hands of the superintendents and workmen, to acquaint them with the proper precautions to be taken and the arrangements to be made to insure the security of all.

COMMISSIONS OF ACCIDENTS.

In addition to the foregoing articles of association the Industrial Society appointed a *Commission of Accidents*, whose objects are as follows: To prevent such lawsuits as arise from factory accidents, either by enlightening the workmen, when they are the cause of such accidents, or by pleading their cause to the mill owner, particularly, when the responsibility of the latter seems to be involved. Recourse to the commission is voluntary. It is simply offered to mill owners, superintendents, foremen and workmen, who wish to avail themselves of it. It consists of twenty-four members, comprising mill owners, superintendents, manufacturing engineers, foremen and workmen chosen by the Industrial Society with the aid of the workmen, as much as possible, by election. Workmen serving are compensated for time lost, and are excused from work during the sittings of the Commission. Recourse to the Commission may be had either by the victim of the accident, or his representatives, or by the superintendent of the mill where the accident occurred. The application is made in writing addressed to the President of the Commission. If it is asked by the workman, the Commission must first ask the superintendent whether he will accept the intervention of the Commission. In case of a refusal, it is entered upon the register of the Association. If the intervention takes place at the request of the manufacturer, the commission proceeds to the hearing of testimony, with respect to the accident, examines the

cause and takes the deposition of the wounded workman, or records his refusal to answer. Recourse to the Commission may be either conciliatory, or for final arbitration; in the latter case, both parties agree in writing to abide by its decision. Application to the Commission having been made in due form, it proceeds to ascertain the facts and then makes a report.

A quorum consists of a majority of the members, and a majority of those present is necessary for a decision.

For every accident the Commission has to answer the following questions:

1st. What was the cause of the accident?

2d. Did it result from normal conditions, that is to say, naturally derived from the work given to the workman, or is it the consequence of exceptional circumstances?

3d. Could the accident have been prevented, and if so, by what practical means?

4th. What are the consequences of the accident?

The estimates or judgments of the Commission are delivered verbally to the interested parties, except in case of arbitration, and they are entered in the register of the reports of the Commission.

The Industrial Society pays the expenses of the Commission, and reimburses itself at the end of the year by assessments upon the establishments which have applied to it.

RESULTS OF THE ASSOCIATION.

The results achieved by the Association during the last twelve years, under the leadership of M. Engel-Dolfus, may be summed up as follows:

1st. Successive examination of all machines employed in factories with respect to the dangers which they present, and the research of some simple, practical, and inexpensive means of obviating these dangers. 2d. Statistics of accidents; the examination of the circumstances which produce them, and the utilization of the observations made, for the purpose of preventing their recurrence. 3d. Publicity; the publication of precautions against accidents, and the multiplication and use of recognized efficacious contrivances. 4th. Competition among inventors stimulated by the offer of medals and prizes for the invention of the best pre-

ventive contrivances. 5th. Inspections; assuring to members all the benefit accruing from common researches.

From the outset, the Association was fortunate in obtaining the services of a zealous and competent inspector. None of the numerous and varied machines employed in the factories and workshops escaped his attention; he examined each machine and sought to render harmless every part involving the slightest risk, and often the precautions proposed by him were sufficient to ensure the most complete security. These machines included those employed in carding, spinning, weaving, calico printing, etc. To these investigations may be added: 1st. A comprehensive study of the precautions and safety apparatus in the use of hoists, elevators, and lifts of various kinds. 2d. Detailed illustrated instructions in the care and management of belts. 3d. Extensive and careful experiments to test numerous contrivances for holding and shipping belts, — a fruitful source of accidents.

These problems did not receive at once complete and satisfactory solutions. Successive trials showed room for improvements which were gradually introduced until success was attained. The circular saw, one of the most dangerous of tools, was for several years the subject of long and laborious study, before the present satisfactory solution was reached. Besides this series of researches, this officer has devoted much time to his visits of inspection, and this was not the easiest part of his work. If everywhere the members are zealous and favorably disposed, there is unfortunately a long distance (especially surrounded with pressing work), between learning of the existence of a preventive contrivance, and actually putting the same into the mill. Without other means of persuasion than a moral appeal, the Inspector has been often obliged to repeat the same warning, and to insist upon the same points at the risk of becoming importunate.

PRIZES.

With a view of extending its influence, of stimulating the zeal of inventors, and of recognizing the efforts of its adherents, the Association has instituted various prizes for the purpose of encouraging the manufacturers and superintendents who have introduced into their factories and workshops the preventive contrivances. Inventors have been shown where to direct their attention, and the annual reports have given good reasons for the bestowal of a number of prizes.

EXHIBITION AT PARIS IN 1878.

From its nature, the Association requires extensive publicity for its works, which were regarded of such importance, that at the late Paris Exhibition, space was allowed to the President, M. Engel-Dolfus, who exhibited a frame upon which were placed twenty-seven examples of contrivances adapted to prevent very severe accidents, shown by statistics to be of frequent occurrence. Some of these contrivances are extensively used in France, Germany and Switzerland. The series was collected by the exhibitor for the purpose of showing how far the idea of assuring the security of workmen in the factories had been realized, and to call the attention of manufacturers to this important subject.

It is certain, says M. Engel-Dolfus, and experience proves it, that Free Associations of Manufacturers, strongly imbued with the sentiment that they must, at any price, prevent accidents in machines, can succeed as far as possible, by stimulating and encouraging the spirit of invention, and by diffusing the most efficacious known means of prevention. Perhaps we may be tempted to object, that State inspection is organized in England, France, Germany and Switzerland; but we may remark, that this inspection must necessarily rest much more upon coercion than upon the inventive spirit and the persevering research of the preventive contrivances which can alone diminish the dangers of machines. Excellent results have already been obtained. The ingenious methods represented on the frame exhibited, are due exclusively to private effort and to the inventive spirit of persons who have refrained from taking out patents from a fear of preventing their general adoption. The exhibitor cannot discriminate between special methods of accomplishing the same purpose, but he recommends the trial of all: most of them have been for a considerable time in use. What he constantly asserts, is, that we (manufacturers) remain too long passive; that we neglect a plain duty when we do not constantly exercise our ingenuity to prevent those deaths and mutilations which by a species of fatalism we have considered for a long time as the tribute paid to machine labor. What is demanded is redoubled vigilance in our factories, and that inventors of contrivances for preventing accidents in machines, who have not taken patents, should be officially rewarded (for in this case we may liken their inventions to actual life-saving appa-

ratus), so that when an accident happens, which might have been prevented, the manufacturer, the superintendent or the workman, whose imprudence has been its cause, should not feel himself acquitted, either by his own conscience or by public opinion, by the simple payment of an indemnity.

DESCRIPTION OF THE FRAME SHOWN AT THE PARIS EXHIBITION.

Before proceeding farther, I may say a few words in reference to the contrivances exhibited by M. Engel-Dolfus. There were collars to prevent such accidents as arise from the griping of loose pulleys on their shafts when not properly lubricated or adjusted. There were guards for calender rolls and calico printing machines, which, while they prevented the hands and clothes of the workmen from being caught between the cylinders, did not interfere in the least with the efficient working of the machines themselves. There were covers for exposed pieces, such as wheels, shafts, wedges, coupling-keys, and screws. There were hooks for cleaning horizontal shafting. There was an electric disengaging apparatus. There were numerous contrivances for holding and shipping belts to prevent their contact with horizontal shafts, a very frequent source of frightful accident, in spite of all recommendations and exhortations. Arms and limbs torn off, the body thrown off mutilated from a revolving shaft, cannot such sights as these cause the adoption of prudent measures, to prevent a portion, at least, of such accidents? To show that this is no exaggeration, let me quote from a report of the Inspector: "An assistant overseer had just straightened the belt of a loom; in putting it back upon the loom pulley the belt fell from the driving-pulley upon the main shaft; the man trying to hold it was entangled and carried round the shaft, from which he fell in a dying condition, losing an arm, and frightfully injured. A workman wishing to ship a belt upon a driving pulley, placed himself against a wall about two feet distant, and holding the belt shipper carried it toward the pulley so as to catch the belt; the shipper was caught by the pulley and thrust back so violently that the shipper-handle pressed the man against the wall and passed through his body, killing him instantly.

Five different pieces exhibited were for the purpose of preventing such accidents as have *just been* described.

ACCIDENTS CAUSED BY THE CIRCULAR SAW.

I will now say a few words in reference to accidents from the use of the *circular saw*. Experience proves that few machines are so dangerous as the circular saw. An inspector of a great German *Company for Insurance against Accidents in Machines*, stated that they would no longer insure against accidents from the use of circular saws, as they were obliged to pay every year thousands of dollars of indemnity for such accidents alone. These accidents are of most frequent occurrence when the workman is near the end of the cut; at this moment the slightest false motion, or the deviation caused by a knot, changes the normal direction of the piece so that the back teeth catch it and throw it toward the workman, who is perhaps hurt trying to stop it, or if he succeeds by considerable exertion in adjusting it, it slips through the saw so quickly as to throw his fingers upon the teeth. The same thing happens if the wood is green, wet or fibrous; it closes behind the saw, catches the back teeth, and is thrown back on to the workman, who, when the piece slips up, runs great risk of losing his fingers.

An extra piece of wood is often employed to push a piece through the saw; this protects the workman's fingers, but causes frequent accidents by itself catching upon the saw. In setting up a circular saw, the dangers in using it are seldom or never taken into account. We find it difficult to imagine that such a simple tool can be so dangerous, and if we know the dangers we find it very difficult to use practical safety contrivances; so that generally preventive contrivances are thrown aside. Workmen are themselves frequently the cause of the accidents that happen to them, often working very inattentively and priding themselves upon their skill. In this respect, the circular saw resembles those machine tools in which we should endeavor to dispense with intelligence, attention and skill. We must arrange them so that the workman can never be caught, no matter what he may do; otherwise there will always be accidents to deplore.

To be complete, the preventive contrivance should fulfil the following conditions: It should cover the saw when not in use, and when in use it should cover all the exposed portions. It should prevent access to that portion of the saw below the table. It should prevent the pieces from being thrown back, and allow the wood to follow the cut. The passage of the saw and the con-

stant over-sight of the work should not be in any way interfered with, consequently the table should be free from all obstacles around the disk. For certain work it should be capable of being joined to a support or guide, serving to facilitate handling the wood. Upon these conditions the apparatus shown by M. Engel-Dolfus was constructed.

DESCRIPTION OF THE APPARATUS.

It consists of a guide plate, a cover and a warning piece. The object of the guide plate is to secure the regular forward motion of the piece of wood, to guide the cut when it passes beyond the disk, and to prevent all deviation of the piece to be sawn. This guide plate prevents the wood from closing and pinching the back teeth; it prevents all access behind the saw, and prevents those accidents which occur when a piece of wood, pushed toward the back of the saw, meets the ascending teeth and is thrown toward the workman; it thus prevents any wood from being thrown back and diminishes considerably the jarring, which is of itself the cause of numerous accidents. The cover prevents access to the upper part of the disk and stops the splinters, knots, pieces of wood, or teeth of the saw which are liable to be thrown off while the saw is in motion. Finally the warning piece covers the teeth which are free while the saw is working between the wood sawn and the cover; it arrests the hand of the workman if it approaches the teeth, especially at that dangerous moment when the cut is finished; it hinders neither the feeding of the machine nor the oversight of the work.

COMMISSION OF ACCIDENTS.

Having described in general terms the work of the Association for the Prevention of Accidents, it remains for me to say a few words in reference to the work of the *Commission of Accidents*, which you will remember was formed under the auspices of the Industrial Society, for the purpose of preventing lawsuits between masters and workmen in cases of factory accidents. The working of the Commission will be best shown by some extracts from the President's report.

The second year the President says: Since our first report the Commission has considered sixteen cases of accident; of this

number, ten were examined and reported upon by delegates, for the purpose of ascertaining the facts, nothing more being required. Five have been followed by a request for conciliation; of these, four have received a satisfactory solution, and the fifth is in suspense. Finally, for an accident which occurred last year, and upon which the Commission had been called upon to report at the proper time, after exhausting every means of settlement, and possessing all the elements for judging the case, they accepted the request for arbitration and proceeded as follows: The President caused both parties to sign a registered agreement to abide by the decision of the Commission. Three delegates, specially designated to mediate between the workman and his master, sought to settle the question, but they failed, and presented a report, which served as the basis for the discussion of the united Commission. The master and workman were successively heard and showed each in his own fashion the cause and the responsibility for the accident. Finally, after a thorough discussion, and after having voted an indemnity to the workman and fixed upon the amount, the Commission gave a discriminating judgment, which was registered and transmitted to each party.

Of the four requests for conciliation, one especially was very laborious for the Commissioners, who had to deal with an exaggarated demand for damages, accompanied by an obstinate refusal to submit to medical examination to ascertain the extent of the injury. Finally, the difficulty was settled by an agreement to pay the workman a specified sum and an additional sum contingent on the state of the wound, at the expiration of one year.

Of these accidents, seven were caused by cleaning the machinery, either when running or by employing improper methods; four by inattention or negligence; one to a stranger to the establishment. Two caused death; eight, serious injuries. Ten of the victims were men; three, women; and two, children.

Thus we see that the intervention of the Commission has been asked to settle litigation between masters and workmen, or for arbitration when an amicable arrangement was impossible. This is the precise object of the Commission, to prevent judicial conflicts; to interpose officially between master and workman; to enlighten each in regard to his proper responsibility, and to bring about a settlement which would facilitate their subsequent relations. These objects have been attained, and there are many

cases of workmen, who, after having requested its intervention to obtain an indemnity for accidents to themselves have still continued to work in the same mills. Again, during the two years of its existence, only three cases, which might have been settled by the Commission, have been referred to the courts, whereas, during the three years preceding its existence, eight public trials took place, which, from their nature, would have been proper subjects for the action of the Commission.

These facts show that the creation of the Commission of Accidents corresponded to an actual need.

The following extracts will show the present condition of legislation on this subject in the Commonwealth of Massachusetts:

EXTRACTS FROM THE LAWS OF THE STATE OF MASSACHUSETTS, PROVIDING FOR THE INSPECTION OF FACTORIES AND PUBLIC BUILDINGS.

[Chapter 214, Acts of 1877.]

An Act relating to the Inspection of Factories and Public Buildings.

Be it enacted, &c., as follows:—

SECTION 1. The belting, shafting, gearing and drums of all manufacturing establishments, when so located as to be, in the opinion of the inspectors hereinafter mentioned, dangerous to the employés while engaged in their ordinary duties, shall be, as far as practicable, securely guarded.

No machinery, other than steam-engines, in any such establishment, shall be cleaned while running, if objected to in writing by one of the inspectors hereinafter mentioned. All such establishments shall be well ventilated and kept clean.

SEC. 2. In any manufacturing establishment in which there shall exist or be placed any hoistway, hatchway, elevator or well-hole, the openings thereof through and upon each floor of such establishment shall be provided with and protected by good and sufficient trap-doors, or self-closing hatches and safety-catches, or such other safeguards as the inspectors hereinafter mentioned shall direct; and all due diligence shall be used to keep such trap-doors closed at all times, except when in actual use by the occupant or occupants of the building having the use and control of the same.

SEC. 3. All manufacturing establishments, three or more stories in height, wherein forty or more persons are employed, unless supplied with a sufficient number of tower stairways, shall be provided with properly constructed fire-escapes upon the outside thereof; said fire-escapes to be connected with the interior of the building by either doors or windows, with suitable landings at every story above the first. Said fire-escapes shall be kept in good repair, and no encumbrances of any kind whatever shall be placed thereon: *provided*, that nothing in this section shall be so construed as to empower the inspectors to compel any person or persons or corporation to change any fire-escape

y existing, unless such change is necessary for the protection of human The word "story" in this act shall include the attic, if the same is ied for work-rooms.

. 4. All the main doors, both inside and outside, in manufacturing ishments, shall open outwardly where the inspectors hereinafter men- l shall deem it necessary, and shall in writing direct. Each story in establishments shall be amply supplied with means for extinguishing

:. 5. All churches, school-rooms, hotels, halls, theatres and other build- used for public assemblies, shall have such means of egress as the ctors hereinafter mentioned shall approve, and all doors to the main nces in such building shall swing outwardly when said inspectors in ıg so direct. No portable seats shall be allowed in the aisles or passage- of any such building during any entertainment or service held therein.

:. 6. It shall be the duty of the chief of the State detective force, upon ıssage of this act, specially to detail one or more of his deputies to act pectors of factories and public buildings.

d chief shall report in print, to the governor, on or before the first day nuary of each year, with such remarks, suggestions and recommenda- as he may deem necessary.

:. 7. The duties of said inspectors shall be to enforce the provisions of ıct, except as hereinafter mentioned, and of all acts relating to the ıyment of women and minors in manufacturing establishments; and for urpose said inspectors shall have power to enter all buildings used for : or manufacturing purposes, to examine the methods of protection from ent, the means of escape from fire, and to make investigations in regard employment of women and children.

:. 8. Any person or corporation violating any of the provisions of this ıall forfeit to the use of the Commonwealth for every such offence not ıan fifty nor more than five hundred dollars, to be recovered by action ıted by said inspectors in any court of competent jurisdiction, and shall ıe liable for all damages suffered by any employé by reason of such ion; but no action shall be brought for any such violation until after veeks' notice thereof shall have been given in writing by an inspector, ıen, if in the meantime such violation shall have ceased, unless some n shall have been injured in consequence thereof. Nothing in this n shall be so construed as to prohibit any person injured from bringing :ion to recover damages for said injuries.

ıTE.—The Committee for which Prof. Watson reported at Saratoga, has been enlarged by the addition of Mr. JOSEPH D. WEEKS, of Pittsburg, nd Mr. EDWARD APPLETON, of Boston; and will report hereafter more

INTERNATIONAL COINAGE—A UNIT OF EIGHT GRAMMES.

PROPOSED BY ROBERT NOXON TOPPAN.

(Wednesday, September 10, 1879.)

The subject of an international coinage has been much discussed the last few years. The rapid expansion of commercial relations, the more frequent personal intercourse of the inhabitants of various countries, and the speedy means of communication, which bring nations near to each other, nearer, in fact, than were formerly the different parts of a single State, make apparent the need of a common money.

The object of the present paper is to give a summary of the results already obtained in the direction of a uniform currency, to examine briefly the different plans that have been brought forward, and finally to propose a unit previously suggested by me, which seems best fitted to attain as quickly as possible the end in view.

Upon considering the changes that have taken place in the monetary systems of various countries within a comparatively recent period, one is struck with the fact that there is a general tendency towards uniformity. The French unit has been adopted in Belgium, Switzerland, Spain, Roumania, Greece, Finland and Servia, while the political unification of Italy has spread the same system through the whole of that country. The various systems of Germany have been merged into one under the Empire. The Monetary Union of Scandinavia has been formed, embracing the three Kingdoms of Denmark, Sweden and Norway. The American unit has been adopted by Canada and Japan. Austria now coins four and eight florin pieces, equivalent to ten and twenty francs, and accepted as such in the Latin Union. Spain has commenced to issue a twenty-five franc piece, the first approach made by any of the Latin nations of Europe of the franc system to the English sovereign and the American half eagle, although France offered in 1867 to coin such a piece, while some of the States of South America issue a coin of exactly the same value.

Instead of many systems there are now comparatively few, and while this reduction in the number of the units has been progressing, there have been two other important changes going on in the direction of uniformity — the gradual establishment of a decimal notation, and also the gradual adoption of the same degree of

fineness, so that now nearly all the principal nations have a gold coinage of $\frac{9}{10}$ fine.

With a tendency to uniformity so marked, it would appear an easy matter to select a unit that could be accepted by the leading countries, but, unfortunately, national prejudices are deeply rooted, and each nation considers its own monetary system the best. The English are satisfied with their pounds, shillings and pence, and claim that as their system is the most extensively used in commerce, it ought to be adopted universally. The French expect that all nations will ultimately select their system, and urge that as it now embraces a large portion of Europe, its claims to universal adoption are superior to any other. The Americans can say, that having been the first to establish the decimal notation in coinage, and their unit having been adopted by one of the most important colonies of England, and by the most enlightened of the Asiatic empires, its claims are not to be slighted. The Germans are not likely to adopt any purely foreign system, while they might be induced to look favorably upon a plan which should be the result of a compromise.

In view of these conflicting claims, it is quite evident that if an international unit is ever to be established it must be by concessions, each nation yielding something.

Before proceeding to an examination of the different plans that have been proposed, it is best to lay down the rules which should guide us in our criticism.

The unit to be adopted ought not to wound national prejudices or arouse jealousy. It ought to preserve the existing systems with their different monetary terms which are familiar to the people, and it ought to be of an even metric weight.

The Monetary Conference of 1867 proposed the five franc gold piece as the best unit to be selected. The objections to that piece are manifest. All nations, with the exception of the Latin Union and those countries that have introduced the franc system, would be obliged to bear the burden of recoinage, which would not be just, as the benefit to be derived being common to all, all should contribute their share to the change. Besides, the adoption of a purely French system would be objected to by many countries, and the unit weighing $1.\frac{612}{1000}$ grammes, would be a fractional number.

The same objections apply to the ten franc piece. Its weight is $3.\frac{225}{1000}$ grammes, a fractional number, and the countries of the

franc system would be entirely exempt from the cost and trouble of recoinage.

The five gramme piece, $\frac{9}{10}$ fine, which has been proposed, has the advantage of being of an even metric weight, and it also avoids wounding national susceptibilities, as all countries would be obliged to recoin. The objection is, that as the five gramme piece is worth,

In francs, ...	15.50
In marks, ...	12.55
In dollars, ...	2.99
In shillings, ...	12. 3*d.*

all monetary terms would have to be altered, and a new system, with a new nomenclature, introduced. A change so complete would create great confusion, and much time would be required for the full and practical establishment of the new system.

The ten gramme piece has the same advantages and disadvantages as the five gramme piece.

The suggestion made by Mr. Ruggles, the delegate of the United States to the International Statistical Congress of Berlin, in 1863, to select a twenty-five franc piece as the unit, reducing the sovereign and the half eagle to the value of that coin, has the advantage of preserving the different systems, with their monetary terms, but the objections are, that the twenty-five franc piece weighs $8.\frac{064}{1000}$ grammes, a fractional number, and the countries of the franc system would contribute nothing to the change.

Upon comparing the weights of the

Half Eagle, ...	$8.\frac{359}{1000}$	grammes,
Sovereign, $\frac{11}{12}$ fine, ...	$7.\frac{988}{1000}$	"
Sovereign, $\frac{9}{10}$ fine, ...	$8.\frac{136}{1000}$	"
Twenty-five Franc piece, . . .	$8.\frac{064}{1000}$	"
Twenty Mark piece, . . .	$7.\frac{965}{1000}$	"

a piece of eight even grammes suggests itself as the best unit. Such a piece would be called a sovereign, five dollars, twenty marks and twenty-five francs. It would be divided, as at present, according to the customs and wishes of the different countries. It would preserve all the monetary terms now in use. All the nations to be benefited would contribute their share to the change. No nation would feel that a foreign system was being imposed upon it.

The silver coinage of the various countries would remain untouched, which would not be the case if a new unit like the five gramme or the ten gramme piece should be selected. The unit would be of an even metric weight.

The experience of antiquity seems also to sanction the selection of such a piece. The gold stater of Lydia, after the monetary reform effected by Crœsus, weighed about eight grammes. The gold daric of Persia was of the same weight. The stater issued by Phillip II. of Macedon — the unit of the gold coinage — which the conquests of Alexander the Great carried to remote countries, weighed about eight grammes. The aureus — the unit of the Roman gold coinage — which weighed $8.\frac{180}{1000}$ grammes under Julius Cæsar, being the $\frac{1}{40}$ part of a Roman pound, was reduced by Augustus to $7.\frac{800}{1000}$ grammes, the $\frac{1}{42}$ part of the pound, but still valued at 25 silver denarii.

As the 8 gramme piece $\frac{9}{10}$ fine is worth,

In francs, ...	24.80
In dollars, ...	4.78
In shillings, ...	19. 8*d.*
In marks, ...	20.08

it would be necessary to make the following changes, which are slight, compared with the various reductions and modifications that have taken place without exception in all monetary systems in the past:

Reduce	the value	of the	25 Franc piece	by	20 centimes.
"	"	"	5 Dollar "	"	22 cents.
"	"	"	Sovereign	"	4 pence.
Increase	"	"	20 Mark piece	"	8 pfennigs.

NOTE.—This Paper was referred to a Committee, which reported the resolutions printed in the *Journal* for December, 1879.

SOCIAL ECONOMY PAPERS.

I. REPORT OF THE DEPARTMENT OF SOCIAL ECONOMY.

BY F. B. SANBORN.

(Read Friday, September 12, 1879.)

Ladies and Gentlemen: — I hope some of you have been more fortunate, but I have never seen or heard of a person who could concisely define social science, and perhaps, social economy may be as difficult to describe. When Don Quixote was actively engaged, some centuries since, in his generous, but not always judicious, work of out-door relief in Spain, he encountered, on one occasion, several chevaliers of industry on their way to the galleys. One of them turned out to be an author. "What is the title of your book?" said the knight. "My own life," was the reply. "And is it finished?" said Don Quixote. "How can it be finished," said the rogue, "since, as you see, my life is not yet finished?" To report with any finality on the Department of Social Economy, is more difficult for a man than to finish his own biography, since it is the life of the whole community that he is writing, and, before one event has been recorded, a hundred others have taken place. Yet I may say something historically, and by way of introduction to the papers and debates of our Department.

Originally, in 1865, we classed together in one department, the topics now divided between those of Finance and Social Economy. In enumerating some of the topics to be considered under the latter head, Mrs. Dall, one of the founders of the Association, said, fourteen years ago: "Under the head of Social Economy, we shall consider pauperism, actual rather than legal, and the relation and the responsibilities of the gifted and educated classes toward the weak, the witless and the ignorant. We shall endeavor to make useful inquiries into the causes of human failure, and the duties devolving upon human success. We shall consider the hours of labor, the relation of employers and employed; the employment of women by itself considered; the relation of idleness to female crime, prostitution and intemperance; workhouses, public libraries and museums, savings banks and dispensaries. Here, too, will be discussed national debt, the subjects of tariff and taxation, the habits of trade, the quality of our manufactures, the control of the markets, the monopolies in the sale of food, or

the production of articles of common use, the value of gold, and all questions connected with the currency." But, in the year 1874, our experience in the working of this comprehensive department led us to divide it into two, the one for Trade and Finance, and the other for Social Economy, strictly speaking; and we have included in the latter some of the topics at first assigned to the Departments of Education, Health and Jurisprudence, many of which have relations with all the Departments. And scarcely had the new Department organized in the spring of 1874, when it proceeded to evolve from itself another organization, the National Conference of Charities, which has since grown to such a vigorous life that it quite eclipses its parent, the Department of Social Economy. I once knew a little boy who rather oddly testified his regard for a lady who had been kind to him, by saying: "Mamma, I should like to see a gravestone of Mrs. Brown." Should the Conference of Charities ever give us an opportunity to put up its gravestone — which, may heaven forbid! — the Department of Social Economy would write for its epitaph what the sturdy old London poet wrote over his dead son:

> "Rest in soft peace, and, asked, say here doth lie
> Ben Jonson his best piece of poetry."

We esteem the Conference, which met for the sixth time last June at Chicago, the most hopeful offspring of our Department. It first met in the city of New York, in May, 1874, and has twice met at Saratoga — in 1876 and 1877. This Conference is a semi-official body, made up in its central nucleus of State officials, members of boards of charities or delegates of Governors of the several States which choose to take part in it. Along with these official delegates assemble the representatives of cities and counties, of State establishments for the dependent classes, or of private charities which concern themselves with some form of human misery or distress. The members of the Conference are never very numerous, but each represents hundreds of thousands of persons who are absent, and nearly all of them are persons of special experience in the work of administering charity or repressing crime. I would bespeak for this offshoot of our Association the earnest attention of all who are interested in the noble work of relieving and preventing some of the worst misfortunes that beset mankind. The ancient fable of the Sphinx is still and forever true; if civilization cannot answer the questioning shapes

that confront her by the wayside, then civilization itself must fall. Among these enigmas of progress, which the West as well as the East, the South not less than the North, must pause to consider, the most perplexing, perhaps, are pauperism, disease and crime. These enemies of the human race, which our ancestors hoped to avoid or greatly to conciliate by establishing themselves here in a new and free land, have crossed the ocean along with our immigrants, and make head against mankind here as steadily, if not so dangerously, as in the countries of Europe.

To prevent misapprehension I may say here that this Conference was never, except by custom, a part of our annual congress. Its organization is distinct from that of the American Social Science Association, and it was at liberty, at any time, to disconnect itself and hold its sessions a thousand miles away from ours. But, since many of the members of the two bodies are the same, and since their objects are in a certain sense identical, they did until this year assemble side by side, and this has added much to the interest of our meetings. This year the Conference met separately, and will do the same next year, when it will assemble at Cleveland, June 29, 1880.

The nine existing State Boards of Charities (not all called by that name) publish reports yearly or biennially upon their special topics, some of which — as in New York, Pennsylvania, Illinois, Ohio, Wisconsin and Massachusetts — have a value beyond the State in which they are prepared. In summoning conferences of these official boards to be held in connection with our general meeting, this department hoped to bring together and unite more closely, for research and practical administration, these organizations which exist for the same general purpose. This hope has been amply justified by the results thus far attained. There is, at present, a greater harmony, a better knowledge of each other's work, and a more enlightened purpose of coöperation among these public officials than ever before, and the whole country is gradually coming into acquaintance with their methods and general objects. During the present session of our Association, the New York State Board of Charities, representing 5,000,000 of people, has been also in session here in Saratoga, and one of its chief matters of business has been the proposed establishment of closer and more equitable interstate relations concerning the movement of the helpless or degraded poor from

one part of the United States to some other, and from foreign countries into our own borders. The honored President of this Board, Mr. Letchworth, has been for years a member of the Department Committee of Social Economy, and has carried forward in many ways our general philanthropic work. To him more than to any of our members, since the death of Dr. Howe, of Massachusetts, and Mr. Theodore Roosevelt, of New York, belongs the honor of leading the army of philanthropists in America.

Another subject closely connected with our Department has now been made a part of the task undertaken by the Conference of Charities. I mean prison reform. It was in the first year of our Association's existence (1865), that our distinguished associate, Dr. Wines, in company with Prof. Dwight, both of New York, made that tour of the American prisons, which prepared the way for the first general movement that had been made for twenty years to improve the condition of these prisons; and it is to Dr. Wines that we owe the convening of the Cincinnati Prison Congress of 1870, the formation of the National Prison Association, in 1871, and the assembling of the World's Prison Congresses, at London, in 1872, and in 1878 at Stockholm. For this work, he has had the commission of our government, and he now looks forward to the speedy completion of the task he has assigned himself. The influence of the agencies he has either set in motion, or brought into active unison, are working a deep and powerful change in the direction which he has given them, and he will, within the next six months, put the finishing touch to his great undertaking, by the publication of his exhaustive and indispensable volume, entitled "The State of Prisons and Child-Saving Institutions in the Civilized World." This will contain fuller information than has ever before been published on the topics with which Dr. Wines has so long occupied his benevolent and industrious years.

Among the matters considered in our Department, which might also have a connection with those of Education and Health, is the establishment of charity kindergartens, (concerning which our newly-elected honorary member, Miss Peabody, of Concord, spoke on Wednesday,) and the introduction into America of training schools for nurses. With the latter, as you all know, the noble name of Florence Nightingale was long since connected in England. American ladies, inspired by her example, and moved by the suf-

fering they saw about them, have been dealing with it in a practical manner in the cities of New York, Boston, Philadelphia and New Haven. A paper on this subject was read at our 1874 meeting, in Boston, by Dr. Charles P. Putnam, and has been widely circulated. It described, briefly, the school established by Miss Schuyler and her friends, at the Bellevue Hospital in New York, that established at the Massachusetts General Hospital, in Boston, by Mrs. Parkman, Miss Cabot and other ladies, and such other schools as were then known to exist in the United States. During the past five years, these schools have gone forward prosperously; have increased the number of their pupils, and have learned by larger experience how to adapt themselves to the necessities of American cities. They will be found indispensable in all our cities, and they afford one of the most beautiful examples of the application to human necessities of both the art and the theory of what we call social science. In New York and Philadelphia several of these training schools are now in active operation. In Boston, we have three, at least, — at the old Massachusetts Hospital, at the New England Hospital for Women and Children, and at the comparatively new City Hospital of Boston. Several of the original members of our Department Committee are directors in these training schools, which have succeeded even beyond the expectation of their founders.

Another sanitary question considered in the Department of Social Economy has been the union, under one State board, of the administration both of public charities and of the public health laws. This united administration has been going on for nearly ten years in some parts of Great Britain, but it had not been adopted formally in any of our States, so far as I know, until the present year, when Massachusetts took the step by consolidating in one strong and experienced board, the old Board of Charities, created in 1863, and the State Board of Health, created in 1870. You heard yesterday, in our general session, what Dr. Acland had to say about the reasons moving him and the other members of the Royal Commission of 1869, to favor what seemed at first so serious an innovation, and was opposed as such in England by professional sanitarians. But his testimony to its good results in practice was no less clear than was his argument for its introduction convincing. This argument was summed up by the Royal Commission, in their final report of 1871, in these words: "We are

led irresistibly to the conclusion that the various branches of sanitary administration could best be superintended by a minister, who should at the same time be charged with the administration of the poor law. Not only does economy forbid any needless duplication of authority, but the greater interests of efficiency demand an united superintendence and single responsibility for subjects so closely connected as the public health, and the relief of sickness and destitution among the poor."

The same argument, made under similar circumstances, but with little knowledge in Massachusetts of the English experience, prevailed in my State last winter. Several of the founders of this Association coöperated with the State authorities in bringing about this consolidation, which also gave to Massachusetts what she had never permanently maintained before, — a commission of lunacy. The new board is called the Board of Health, Lunacy, and Charity, and has at the head of its three divisions, Dr. Bowditch, the former Chairman of the Health Board, Mr. Kimball, the Chairman of the Board of Charities, and Dr. Allen, who, for one year was Lunacy Commissioner. Dr. C. F. Folsom is the Secretary of this Board, and at the head of its bureau of out-door relief and medical charity, is that wise and fearless public officer, Dr. Henry Wheelwright. Boards for public charities alone, or having also some control of prisons, now exist in New York, Pennsylvania, Ohio, Wisconsin, Michigan, Illinois, Kansas and Rhode Island, and in all these States, Eastern or Western, they have done much to render the administration of public charity more intelligent, more systematic and more economical.

Every State has one or more, sometimes fifteen or twenty, public establishments, which it supports wholly or partly, for the insane, the blind, the idiotic, the inebriate, for the poor, or the children of the poor; and these establishments need the inspection, the assistance or the criticism of a central authority. In many States this is left to the Governor, who has more duties of other kinds than he can well perform, or to a committee of the Legislature, which can give but a few days in each year to this important work. But, when left to a special board, with sufficient powers, this duty is performed much more to the public satisfaction than is otherwise usual. No doubt single establishments, such as almshouses, lunatic hospitals, reform schools, etc., may sometimes feel indignant or jealous at the censure that may fall on them from the

supervising board; but this censure is salutary, and commonly errs on the side of gentleness rather than severity. It is not well to give the central board such powers as to supersede the local trustees or directors of these establishments. There is ample room and verge enough for both; and the poor and vicious are best cared for in those States where men and women of high character serve on the local boards as well as on the central commission. If, in some of these States, the example of Massachusetts should be followed, and the administration of the laws of public health and public charity should be united, a natural movement, in the systematic progress of local government would take place, as in England, Scotland, and New England. At the Chicago Conference this was earnestly recommended, and so was the appointment of women on such boards, in which Wisconsin, New York, and Massachusetts led the way. We shall see at our Department Meeting today Mrs. Leonard, of Massachusetts, and Mrs. Lowell, of New York, who have both served for years as State officials in this charitable work.

At the present Saratoga meeting, all that remains to this Department of Social Economy of strictly charitable discussion (since the secession of the Conference of Charities), is the debate of this morning on "Institution Life for Children," following the reading of Mr. Brace's paper. Mr. Brace is one of the original members of our committee, and has several times taken part in our meetings; today, however, he is necessarily absent. In the General Session, our Department presents today the paper of Mr. Hovey, of Boston, on "Coöperative Stores," and that of Mrs. Langhorne, of Virginia, on "Colored Schools." Yesterday, it contributed to the debate on "Tenement Houses," without offering any report on that subject, which we have extensively treated at Detroit, Boston, Philadelphia and Cincinnati, since 1874, when, at the instance of Mr. Quincy, of Boston, we first took it up. The very valuable paper of Mr. Joseph D. Weeks, of Pittsburg, on "Industrial Arbitration," to be read here this afternoon, closes the list of our special department papers, five in number, which we were asked to present at this General Meeting.

NOTE. — Since the reading of this Report at Saratoga, Dr. WINES has died, and some mention of him will be found in the Proceedings of the Annual Meeting at Boston.

II. WHAT IS THE BEST METHOD FOR THE CARE OF POOR AND VICIOUS CHILDREN?

BY CHARLES L. BRACE.

(Read Friday, September 12, 1879.)

It was natural that the United States, in their early treatment of the difficult questions connected with crime and pauperism, should follow in precisely the old beaten tracks of European countries. This was true in regard to children, equally with adults. The vicious, vagrant, law-breaking children were at first thrown into the common jail, to be the companions of thieves, criminals and murderers. The children of the unfortunate, the orphans and homeless, and the offspring of the paupers, were consigned to the Almshouse to grow up amid paupers and vile women. The first step of reform for the former class — and a great and blessed change it has been — was the substitution of the House of Refuge, or Reformatory, for the jail. For a portion of the latter class, the foundation of Orphan Asylums and Homes for the Friendless was a movement of humanity which has brought untold blessings. But, for the exclusively pauper children, the ancient abuses have remained in most of our States, and it is only within some four years that, in the State of New York, the children of paupers have been removed by law from the degrading influences of the Almshouse.

But, in all these reforms, European early precedents were naturally followed. In countries where the labor market is overcrowded, there is no especial demand for children's labor; each place at the table of life is full, and children thrown on the community must be cared for in large public institutions, and kept in them as long as practicable. There being scant means, too, for reform work, the more inmates retained in an Asylum or Reformatory, the less the average annual expense for each child. The branches of labor taught in an old community will naturally be the mechanical and the most common trades. And as machinery supplies numbers with articles of necessity more cheaply than hand work, these large institutions will soon naturally be warmed, lighted, supplied with water and fed by machinery. The first tendency, then, in this country, was to place vicious and poor children in large Reformatories, Asylums and Institutions, where they were cared for in mass, supplied under machinery, and detained as long as law would per-

mit, and where the main occupations were of a mechanical rather than of an agricultural nature. This tendency continued long after it had been the leading drift of European institutions and Poor Law administrators.

Sweden and Norway early established a "placing out" system which should relieve the Almshouses and Poor-Managers of the villages, and include in it many children who were guilty only of petty offences. Many states of Germany followed this example. France organized its famous "L'Assistance Publique" association, which has provided homes for so many thousand destitute children. Great Britain adopted the "placing out" plan in certain quarters, though not on any large scale.

With these efforts, arose here and there in Europe, such Farm Schools and individual Reformatories as the *Rauhe Haus* of Hamburg, the Mettrai *Colonie*, Sydney Turner's Farm School, and numerous others, similar.

In this country, there was the greatest possible inducement for the "placing out" system, for Reformatories on the family plan, and for Farm Schools. The demand here for children's labor is practically unlimited. A child's place at the table of the farmer is always open; his food and cost to the family are of little account. A wide-spread spirit of benevolence, too, has inspired all classes — perhaps one of the latest fruits of Christianity — such as opens thousands of homes to the children of the unfortunate. The chances, too, of ill treatment in a new country, where children are petted and favored, and every man's affairs are known to all his neighbors, are far less than in an old. The very constitution, too, of an agricultural and democratic community favors the probability of a poor child's succeeding. When placed in a farmer's family, he grows up as one of their number, and shares in all the social influences of the class. The peculiar temptations to which he has been subject — such, for instance, as stealing and vagrancy — are reduced to a minimum; his self-respect is raised, and the chances of success held out to a laborer in this country, with the influences of school and of religion, soon raise him far above the class from which he sprang.

The cost, too, should have been a powerful inducement. A child's expense in an Asylum, Poor House, or Reformatory for a year, cannot be less than one hundred dollars, and may be much more; the placing out costs but a small sum.

Then, experience has taught that large numbers of poor and neglected children, placed in institutions together, deprave and injure one another. Their virtues, too, have an institutional flavor. They incline to be hypocritical; they lack in independence of character, and are weak under temptation, though outwardly respectable. Being supplied by machinery, they do not learn the small household arts — of making a fire, taking care of lamps, drawing water, cutting wood, and the like — which a poor man is compelled to practice. The most profitable branches of labor in this country for the workingman are agricultural; but the boy of the Asylum and Refuge has usually been trained in the poorest and most simple mechanical trades, such as shoe-pegging and similar occupations, and is comparatively unfitted for farm and garden work.

All these inducements should have led early in this country to the employment of the placing out plan for orphan, homeless and pauper children, and even for those sentenced for trivial offences, such as vagrancy and the like; while for the vicious and those who had committed criminal offences, Farm Schools and Family Reformatories should have taken the place of Congregated Reformatories and large Houses of Refuge.

The great principle at the base of modern criminal reform is *individual influence*, and the nearest approach possible to a natural system. The best influence on a poor child must come from a family life, and no asylum, however well managed, can approach in healthful natural influences an average farmer's family. So with the Reformatories; the nearer they approach in small groups and cottage life to families, the better they are.

In regard to the "placing out plan," the highest development of it has been in the operations of the New York "CHILDREN'S AID SOCIETY," which during twenty-five years has placed in country homes over 40,000 homeless or destitute children, with remarkable success; under it great numbers of young men and women have been saved to society and have grown up to positions of usefulness and even honor, the percentages of failure being smaller than under any other system. Farm Schools or Family Reformatories have been founded in various States — of which the Ohio Farm School is a good instance — with generally excellent success. Still it cannot be said that the family system in Reformatories is at all generally adopted in this country, or has had as full a trial as would be desirable: the reason probably lying in the large expenses of

"plant" already incurred, so that the caravansaries of buildings would seem to be wasted under a family plan; and also in the greater ease of management and apparent economy of a large Congregated Reformatory. We say "apparent," because the yearly interest on the cost of expensive buildings and machinery should be reckoned in the expenses of such a Reformatory — which cost is saved in a Reformatory with small cottages, and where everything is done by hand-labor. No doubt, too, the Congregated Reformatories, being managed much more mechanically and after routine principles, are more easily handled and organized, and demand less inventiveness and fresh moral power than the Family Reformatories. The thinning out, too, of all these institutions by a judicious "placing out," after the children are reformed, is very probably impeded by the natural desire of the managers to present numbers to the public as a token of their work.

If we, then, endeavor to answer the question, "What is the best method for the care of poor and vicious children," we should say,

(1.) All pauper children should be removed as soon as possible from Almshouses, and placed, if possible, at once in families, subject to a careful visitation and inspection by officials or local committees. The poor-house is no place for a child. Nor is there need of intermediate institutions, except for those of unsound mind and body. Under a good system, any pauper children who are of sound mind, and not defective in body, can be at once well placed in families.

(2.) The orphan, homeless, and street-wandering children of villages and cities should be temporarily gathered in asylums, homes for the friendless, lodging houses, and industrial schools, and, as soon as practicable, be distributed in homes and upon farms. No orphan asylum or home of the friendless should detain their inmates after they are ten or twelve years of age, unless they are of peculiarly unfortunate condition, physical or mental. For the expense of one child kept during a year, seven can be placed out; while the chances for improvement are far greater in the farmer's home than in the asylum. With this sending to homes must be united a careful system of visitation. Under the system of the Children's Aid Society, the plan is first to correspond with the children, and the employers, entering the informatian on the books; then to arrange visitation on the part of the local commit-

tees, and lastly to have regular visitation by a resident rural agent, who has authority to change the places and otherwise look after the interests of the children. Where no indenture takes place, there is less demand for constant visitation, as the older children soon learn to provide for their own interests, and the employers are more likely to suffer than the employed.

(3.) Children who are habitually vicious or who have inherited very bad tendencies, or have an abnormal constitution, or have committed serious offences, should be placed in Farm Schools, arranged after the family plan. There should be small groups of children, say twenty or twenty-five in number, gathered in cottages, each group under a teacher or superintendent, who could learn the habits and characters of each and exert an individual influence upon them. These children should do all the work of the house, garden, and farm. Their great employments should be in the soil. Those are the labors most healthful, needed most in this country, and which in the long run repay the best. It is true that as a matter of present profit to the Refuge or Reformatory, they are not equal to trades, but for the boys and for the country, they are more desirable. Trades are crowded enough already, while for farm and garden labor there is always room. Under this system, a boy or girl is not a number or name, but is known individually, and is acted upon as a separate personality. The employment is healthful for body and mind; and each child goes forth skilled in an occupation where there is always a field for success. The percentages of reforms will undoubtedly be far larger under this than the congregated system.

Our large Congregated Reformatories ought to feel that they are "behind the age" in their plan, and sell their valuable "plant," and buy large cheap farms and put up "pavilion" cottages; using the interest of their considerable capitals in providing teachers and overseers to take charge of their "groups" or cottage families. They would not have so much to show to the public in bricks and mortar and machinery, but they would do far more good.

As to the petty criminals among children — those convicted of vagrancy, petty thieving, disobedience of parents, quarreling and like offences — they should also be placed in Family Reformatories; but they need be kept there only for a short time, and then should be carefully distributed in families. This class of children are requently no worse than the great body of those outside, and turn

out very well under family influence. Asylum life (if long continued) only weakens their character. A certain amount, however, of punishment and discipline is very useful to them.

The principle lying at the bottom of all these suggested improvements, it cannot too often be said, is the necessity of *individual influence* on each child to be reformed, and the superiority of family life to any other influence in the improvement and reform of children.

DEBATE ON THE CARE OF CHILDREN.

The reading of Mr. Brace's paper was followed by an animated discussion, during which Mr. W. P. Letchworth, President of the New York State Board of Charities, presided. The discussion was opened by Rev. T. K. Fessenden, of Farmington, Conn., who read a paper of some length, describing the Industrial School for Girls, at Middletown, Conn., of which he was one of the founders, and criticising some of the positions taken by Mr. Brace. Mr. Fessenden said that Mr. Brace's paper was of great excellence and showed a thorough acquaintance with the subject, but it did great injustice in some respects. He especially objected to the impression it might create that all institutional life is unnecessary and undesirable; that it is unnecessarily expensive and protracted too long; that institutions are failures and can be dispensed with. Mr. Fessenden's proposition was this: "That for viciously inclined poor children institutional life in properly organized and administered institutions is not only desirable, but absolutely the indispensable essential." He explained, however, that he meant small establishments on the family system, like the school at Middletown, of which he is one of the managers, and concerning which the Superintendent, Mr. Bond, would soon furnish the Department with information.

Mr. Fessenden gave some interesting facts about the school, especially regarding the care exercised over the pupils after they leave the school.

Ex-Governor Bagley, of Michigan, read a strong letter from Mr. L. P. Alden, Principal of the State Public School for Poor Children at the town of Coldwater in Michigan as follows:

MR. ALDEN'S LETTER.

COLDWATER, MICH., Sept. 9th, 1879.

F. B. SANBORN, ESQ., Saratoga, N. Y.:

Dear Sir,—Your invitation to discuss the paper of Mr. Charles L. Brace, on "The Care of Poor and Vicious Children," was duly received, and I had hoped either to be present at your meeting or send you a paper embodying my experience in the placing out of children, and my present convictions on this subject. But my duties have been so pressing that, until today, I had forgotten that your Association met so soon. I have, therefore, time merely to outline my views.

1. I think that Mr. Brace has done a great thing for the city of New York in relieving it of so many incipient criminals, for which that city could well afford to erect him a monumeut. From all the testimony, however, that has reached me, it seems quite improbable that the West, where these children are sent, feels so grateful that it will contribute much towards its erection.

2. Without doubt, many children have been saved to good citizenship, through Mr. Brace's system, who would have grown up in vice and been lost, had they remained in the streets of New York, and certainly none have been made worse by diffusing them through the West.

3. But, nevertheless, I am very certain that a very much larger *percentage* of these children would have been saved had they been placed in well regulated industrial institutions, where, for a term of months or years, they would have been placed under a course of instruction, training and discipline, such as the average country home cannot possibly secure.

4. I believe this, because I have received into this institution large numbers of children who had been repeatedly placed in homes, where they had failed, before coming to us, and who are now promising children, some of whom, after several years' training in this institution are now doing well in homes. Mr. Wright, of Normal, Ill., who has had twenty years' experience in placing out the children of the New York Juvenile Asylum, and looking after them when so placed, informs me that the children who have had some months or years of training in the institution, do much better as a rule, than those who come directly from the House of Reception, shortly after being taken from the streets. The unprecedented success of Demetz at Mettray, who saved about 95 per cent. of those who came under his care, is to be largely attributed to the fact that they remained so long under his care before being placed in families or restored to their own homes, that their principles and habits became established. Many of our children, who steadily improved all the time they were with us, and of whom we had high hopes, going out before their principles were confirmed,

were not able to withstand the temptations of neighborhood association, and relapsed. If it is replied that the hot-house air of institutional life does not fit the child to endure the temptations of life as it is, I would reply that some plants must be nurtured for a time in the hot-house before they are strong enough to be placed out doors, and that many of these had not thriven in the house where they had been placed before entering our institution.

5. The great majority of even respectable well-to-do families are unfit to train up their *own* children, to say nothing of training up the children of others, many of whom are unattractive in appearance, have unpleasant habits and bad dispositions. If such children are taken by them, they are taken mainly for the labor they will perform, not from love or a high sense of duty towards these poor children; and while they may be kind enough people, and give them enough to eat and wear, they do not understand child-life, how to train and discipline it; and the children placed in such homes are quite likely, in many cases, to retrograde. I do not mean that all homes are such. There are many striking exceptions, but even where the people are fully competent to care for the children, and take them from a high sense of duty, as well as for the assistance they may receive, the neighborhood influences often thwart all their efforts, — often, I say, not always.

6. The difficulty of finding such homes as those spoken of above, where the child shall receive kind, wise, Christian care and instruction, is so great that they cannot be found for *car-loads* at a time. Only now and then one such can be found scattered over a large territory.

7. My experience in placing out children with all the care we can exercise in securing for them good homes, and with the help that the excellent county agency system, which Michigan has established, can give me, has led me to a very different conclusion from that which has generally been arrived at, viz.: that "a poor home is better than the best institution." I *know* that this is not so.

8. Finally, I am led to the conclusion that about twenty per cent. of the children that come to us, who are attractive in appearance, bright and free from bad or vicious habits, and for whom the best class of homes can be found, should be placed in such homes as soon as possible. I believe that they will be taken into the hearts of those who have them, and will be happier and better provided for than in any institution. But the remainder, who are tow-headed, freckled-faced, disagreeable in appearance, not very apt to learn, with many bad habits, it may be, should remain for a time, from one to five years, in a good institution, if there is room for them there; and that more of them would be saved if they could be so retained. In a measure we can control this in our institution, and do send the most promising out first, of whom we have about 400 now in families, most of whom are

doing fairly or well, probably as well as those placed out by any other institution.

I have written this in great haste, and shall not even have time to read it over, as the mail is just going out. If you can make any use of this hasty outline, you are at liberty to do so or to destroy it.

Very respectfully,

L. P. ALDEN,

Supt. State Public School.

Governor Bagley, after reading this letter, said that he admired the skill and fidelity with which Mr. Alden managed the school at Coldwater, but dissented entirely from his opinions in regard to institution life for the children of the poor. He described the State institutions of Michigan, several of which, and this Public School in particular, had been built or commenced while he (Mr. Bagley) was Governor of Michigan; but he thought, good as they were (and they were among the best in the land), that their work should be only temporary. They should prepare their inmates for family life, and should send out the children as soon as possible into good families. It was a poor home that was not better than the best institution. Citizens of the right stamp are not turned out from institutions; the only firm foundation of the Temple of Liberty is the family hearthstone.

Mrs. Clara T. Leonard, of Springfield, Mass., thought institutions were like medicines, valuable when there is disease, but not to be administered all the time. The tendency of late is too much to institutions. The Massachusetts school for poor children at Monson has been a great pauper mill. Reformatories are all more or less vicious, their moral atmosphere low. All persons are more or less controlled by the prevailing public sentiment of their community, and the influence of a home on children is much better than that of any institution. It is hurtful to have so many together who are nearly of an age. Children need association with older and more experienced people whom they can look up to. Local administration is the strength of our government, and each community should look after its poor children. The tendency of institutions is to pile up numbers, and regard that as the test of success. She agreed with Governor Bagley, that it was a very poor home, so far as poverty is concerned, that is not better than any institution.

Prof. Wayland would say amen to all Mrs. Leonard's remarks.

Mr. Bond, Principal of the Connecticut Industrial School for Girls, said there are 138 girls in that institution. The State gives the School guardianship and control over the girls until they are twenty-one years old. Boys can be placed out earlier than girls, for they can better take care of themselves. From sixty-five to seventy-five girls are now living out in families under the care of the School. When persons apply, the girls are allowed to go with them on trial, but if they are not properly treated they are not allowed to stay in that family, but either placed in another or taken back to Middletown. In the School itself there are several families, and seven grades, arranged according to the conduct, scholarship and industry of the girls; they are required to work at sewing, housework, paper-box making, etc. Mr. Bond agreed in the main with Mr. Brace, but thought there was room for well-managed institutions, especially for friendless girls, who needed oversight and protection far more than boys.

Mr. Sanborn, referring to a remark made in Mr. Alden's letter that few parents are fit to bring up their own children, inquired, "Who, then, is fit? who is sufficient unto these things?" He thought there was a profound fallacy in such remarks. Even a bad family, as we are apt to use the word "bad," is not always the worst place for children; a great many good children have grown up in wretched families. A child, upon the whole, gets more good than harm from its parents; if it were not so, how could the world continue to exist? We are not left to the wisdom and goodness of a few great men and saintly women, — the heart and purpose of the human race is really sound. "Everybody is wiser than anybody," says the proverb. He had known many bad people, but few grown persons who would purposely and disinterestedly labor to make a child worse. Yet in great establishments for children there are half-grown boys and girls who exercise a perverse and depraved ingenuity in corrupting those younger than themselves. This is one of the many insidious perils of large reformatories. They spread a physical and moral contagion; the mortality in large establishments is commonly greater than elsewhere, and the standard of morality is low. Routine and indifference prevail, and the minds of children become enfeebled and corrupted. He did not think so ill of the State Primary School at Monson as Mrs. Leonard did, but there was an evil tendency in

all accumulations of poor and vicious children. They should be dispersed rather than congregated, as Dr. Howe and Mr. Letchworth had so well shown in former years.

Miss Elizabeth Peabody, of Concord, Mass., the sister-in-law of Horace Mann, and the patroness of kindergarten schools in America, closed the discussion. She thought nothing so important in education as to put a child on its own responsibility; it must learn not only obedience but independence. We would like to begin our lives over and avoid mistakes, but we cannot. We can, however, help children to avoid them.

III. SOCIAL ECONOMY IN ILLINOIS.

At the close of the debate the Secretary read the following letter from Mrs. Harbert, President of the Illinois Social Science Association:

EVANSTON, ILL., September 1st, 1879.

F. B. SANBORN, Esq., Secretary of the American Social Science Association.

Dear Sir, — Appreciating the prompt and generous recognition the Illinois Social Science Association has ever received from the American Social Science Association, and as a slight return, or at least an acknowledgment of your own helpful and suggestive, official letters, I attempt to send you the result of some recent Social Science investigations. Experience demonstrates to me that the pioneer work of the Social Scientist is to arouse the people to the suffering and oppression, the starvation and crime which are the direct results of the *bad methods* now universally employed.

After two years of as earnest thought and study as I am capable of, the opinion has grown into a conviction that the progress of civilization halts until the mother thought is represented in all educational, industrial, political and moral methods. In the name of truth, I plead with you, gentlemen, to give to this subject your earnest attention. For a century the masculine brain and energies have been steadily trained and developed in the direction of *developing the material resources* of the country; until, as a result of this century of action, from which moral interests have been largely eliminated, we have developed such methods as the following: (I quote a summary made by Mrs. Spencer, of Washington.)

"Man's remedies are massive, and there is no time for details. Do criminals abound? Men have said, 'Then we will have more prisons and station-houses and jails; more police courts and

judges and officers; and, since vast sums of money are required to sustain this ponderous machinery of law, and make it a terror to evil doers and a safeguard to our homes, we will license 35,195 restaurants, and permit them, for a round fee, which they can well afford to pay, to sell whiskey, rum, brandy, gin, and every species of intoxicating drink. To gather in money from the more degraded classes, we will license 14,362 regular dramshops of a lower order, and also sample rooms, etc., where frequent arrests will be made, and thus, besides the license taxes, net us a good large sum in fines and penalties for breaches of the law. Do beggars and vagrants swarm in our cities and on our highways? Our brethren have said, 'We will build more almshouses and workhouses, crowd them in, and tax the industrious people of the land,—the farmer at his plow and the washerwoman at her tub to support the pauperism, idleness and vagrancy of the land.' Is the social vice eating away like a cancer at the lives of our sons, torturing the baby brain, robbing the innocent bride of her health, and dragging to everlasting shame the daughters of the poor and innocent? 'Let us license this vice also. There will be a greater financial gain to our treasury than from all the licenses of the 50,000 dram shops of this republic.'"

Referring to our suicidal methods, Mr. William I. Bowditch, of Massachusetts, in a recent able address, says,—It requires the services of about four millions and a half of men, and costs about a thousand millions of dollars every year, for the so-called Christian nations of the world to support their armies and navies, even on a peace footing? This is the best result of civilization carried on by men alone, for now nearly nineteen centuries. Must the human race for ever go on in this blundering, wasteful, and brutal way, or cannot some better way be found? What would be the effect if the Christian world should spend every year a thousand millions of dollars in helping people to live happy and useful lives, instead of throwing it away in organizing means of destruction."

But surely, it is needless to argue the question of better methods, with Social Scientists. Merely allow me to make a suggestion. Can we work in any more effective way, at present, than by educating the children in regard to their duties as citizens, and the questions they will be called upon to decide? Cannot the American Social Science Association set in motion influences that will secure the preparation of some manuals of instruction, which can be introduced as text-books in our public schools? And is it not possible to organize a bureau of facts and statistics, which, by some systematized method, can be set afloat in our popular and influential journals. The people are asking for information; women are asking for opportunity; thoughtful persons begin to realize, as never before, that the moral power of women can never be utilized for the good of society, until she can render permanent and thorough the reformatory work undertaken, in strengthening her social and moral influence by legislative enactment.

As has been well expressed by one of our Western philanthropists, "To be in at the birth of measures vital to the well-being of society seems to us, in the light of experience, a more useful investment of our influence than to be in at the death."

Respectfully,

ELIZABETH BOYNTON HARBERT.

Upon motion of Mr. Sanborn, the communication of Mrs. Harbert was referred to the Department Committee for further consideration. After the reading of the papers by Mr. Hovey and Mr. Samuelson, here printed, that of Mrs. Langhorne, printed at page 36, that of Mr. Weeks, printed in No. X of the *Journal;* and after the reception of a paper on "The Labor Question," by Mr. R. G. Eccles, of Brooklyn, N. Y., the Department adjourned.

IV. COÖPERATIVE DISTRIBUTION.

BY WILLIAM A. HOVEY, EDITOR OF THE BOSTON TRANSCRIPT.

(Read Sept. 12, 1879.)

While we cannot go the length of those who demand that accumulated wealth shall be forcibly taken from those who possess it, we may well permit ourselves to ask whether steps cannot be taken and forces set at work whose tendency will be to prevent the further accumulation of large sums of money in few hands, by enabling the wage class, particularly, to make their earnings, small though they be, go further than they do in the purchase of the necessaries of life. In the first place, it is to be remembered that the wage class, living closely up to their incomes, are forced to buy all their supplies in small quantities, "from hand to mouth," as the saying is, and that in so buying they pay far higher prices than those who, in better circumstances, and with some little store of money ahead, are in a position to buy in larger quantities. There is a wholesale price and a retail price, it is true; but, in many cases, especially in the matter of fuel and some articles of food, there is a still higher price demanded when the purchaser, through lack of means, is compelled to buy in very small quantities. The price of coal "by the basket" is often from ten to twenty per cent. higher than by the ton; potatoes bought by the

quart are far more costly than when bought by the bushel or barrel, and the poor man whose limited means compel him to buy but five or ten pounds of flour at a time, pays at a rate which is startling, when compared with the barrel price. True, it is his misfortune, and we must not be hard upon the dealer. It costs far more to break packages and do business in this petty way, and this enhanced cost must come out of the consumers. Again, no matter how rigid a dealer's rules of business may be, competition compels him to give more or less credit. This entails a certain percentage of loss from bad debts, and this becomes a charge upon his paying customers. Thus we find that the wage-earning head of a family has, on the one hand, to contend with the irresistible laws of supply and demand, which fix his daily or weekly pay at a figure often so small that the closest economy is necessary in order that he may support his family, and on the other a combination of circumstances which compel him not only to pay extravagant prices for what he buys, but to contribute to the support of others less thrifty or less honest, who fail to pay for what they purchase. Thus the rich, having the advantage of money in hand, grow richer; and the poor, from force of circumstances over which they have no control, grow poorer.

This is bad enough, but worse evils follow. With a loss of all hope of advancement, with no prospect save of toiling day after day for a bare existence for self and family, with no possible hope of advancement, comes a feeling of sullen indifference, which is not only degrading to the individual, but dangerous to the community, for out of this condition grows crime. Many a man who might and would have made a good and useful citizen has turned to a life of dissipation and crime simply because he found himself distanced in the race of life, and despaired of ever retrieving his fortunes. It is easy to say that he should not despair — the fact is, that he does. It is easy to say, "So much the worse for him"; the fact is, that it is "so much the worse for society," which in the end must support him either as a pauper or a criminal, besides losing the positive advantage which would result to it had he become an industrious citizen; and therefore society may justly, from selfish motives if from none other, concern itself to know how these difficulties may be avoided, and what steps may be taken to offset those causes which operate to make the rich richer and to reduce the poor to abject and hopeless poverty.

I do not purpose inflicting a statistical essay upon you. I shall deal more with principles than with figures. These you can find in the books — those that care to seek for them. In the intervals of a somewhat busy life I have found time to look into, study and think upon this subject in a fragmentary way, to compare the different systems of coöperative distribution that have been tried at various times and at various places, to note failures that have occurred and the causes that have conspired to produce them, and to determine in my own mind which system comes nearest to resting on a basis of equality and justice.

There have been many schemes, many attempts and many failures, the latter arising chiefly from one of two causes, and many in a measure from both, viz., imperfect organization, and bad and dishonest management. Some forms of coöperation have attained greater proportions and greater success in this country than in any other. Our savings-bank system is coöperation in its simplest form. Much of our life, fire and marine insurance is conducted on a "purely mutual," that is, a coöperative basis. The pay of our fishermen has generally been in proportion to the catch or "fare," every man being interested to make the largest possible catch in the shortest possible time. This is coöperation in the rough. In England, where coöperation is largely practised and very generally understood, very simple methods have been learned in the dear school of experience, and it is believed that what is now known as the "Rochdale plan" is nearly perfect in its provisions for securing full equity for all interested. In order to understand this system it is necessary to know the fundamental principles upon which it is based. These are —

1. That in every coöperative company each shareholder is entitled to one vote *and no more*, no matter how many shares he may hold.

2. That profits are equitably divided when each receives his due, *not* in proportion to the number of shares he holds, but in proportion to the amount which, by his purchases, he contributes to the business of the company.

These two points require some explanation and elucidation.

1. In almost all stock companies each share is entitled to one vote. It is the shares that vote, not the stockholder. Under this system a few persons, either by holding a large number of shares or by obtaining proxies, can practically control the affairs of a

corporation, put themselves in, as officers and directors, year after year, and keep the management so absolutely in their own hands that it is useless for the holder of a small number of shares to attend the annual meeting, even. If he does, it is to hear read a formal statement of figures which he rarely understands, and which it is not always intended that he shall understand; and the result very generally is that he stays away and really knows very little of the business of the company of which he is a member, save that it does or does not pay dividends. The coöperative system regards the poor man's one share as just as much and just as important to *him* as the rich man's ten, twenty, thirty or more shares are to him, and considers one just as much interested as the other. Therefore every shareholder is allowed one vote, and one only, and that vote must be cast in person. In this way the control is kept out of the hands of the few, and it is as much for the interest of the small stockholder to attend all meetings and keep himself informed concerning the affairs of the company, its business, and the doings of its officers, as for the large stockholder.

In this respect coöperative companies differ fundamentally and radically from ordinary joint-stock companies, and this difference is one of their chief points of strength, one of the main safeguards that secure absolute equity to every shareholder. It is not desirable that the stock should be held in large blocks, because the larger the number of shareholders the larger the number of persons interested to deal with the company, and the larger its probable business. This rule does not forbid the stock being held in blocks, but it prevents its being an advantage to any one to so hold it.

2. The second fundamental principle is that the profits shall be divided, not according to the amount invested, but in proportion to the amount that the purchasers contribute to such profits. Here, too, the plan differs radically from the ordinary joint-stock corporations, in which the profits are divided among the several members or shareholders according to their proportion of ownership of the capital stock. A coöperative company looks upon the money invested by its members in shares as borrowed capital, Interest on the capital stock is an expense, and is charged to expense account as much as is the rent of the store, or the salaries of clerks and other employés, and the "profit" is what remains after this and all other expenses have been paid. Capital is paid for at a fair rate of interest, and has no further interest in the

profits. These belong to the coöperators, not as shareholders, but as purchasers, and in part to purchasers who are not shareholders.

In order to make this clear, and to show how the principles laid down work in actual practice, let us suppose a coöperative store started on the Rochdale plan, with a capital of $6,000, divided into 1,500 shares at $4 each. I take these figures because they represent the actual facts in the case of a coöperative association just formed in Boston, which has recently opened a store for the sale of groceries and other articles. Let us suppose that the whole number of shares are disposed of, say one thousand shares to five hundred different persons, in lots of from one to three shares, and the remaining five hundred shares to some one person, who is willing to "carry" this amount temporarily, receiving his interest like the other shareholders in proportion to his stock, but having no other advantage from so large an ownership. The store is opened, and the coöperators make their purchases there, paying absolute cash down for every purchase, and paying the usual market rate. At each purchase each coöperator receives a check showing the exact amount of money he has expended, and the sum total of all the checks he receives, say in six months, shows his aggregate purchases in that time, while the aggregate of all the checks held by coöperators or shareholders, shows the aggregate of all sales made to shareholders. But there is another class of purchasers, those who are not shareholders, but who yet buy at the store and by their trade contribute to the profits, and thus become entitled to a share in those profits, although not to the same extent as those who have invested their money in the enterprise. Let us suppose that, besides the 500 shareholding purchasers, there are an equal number of non-shareholding purchasers, and that each buys on the average, say $100 worth of merchandise of all sorts in the first six months. This makes a total volume of business of $100,000 in that time. Suppose that the net profit on this business, each shareholder having first been paid six per cent. on the money invested, and all other expenses having been paid, to be six per cent., say $6,000 to be divided among the purchasers. Of this two-thirds, or $4,000 would belong to the 500 shareholding purchasers, and one-third, or $2,000 to the 500 non-shareholding purchasers. A shareholder who had bought $100 worth of goods would be entitled to the proportionate part of the profits allotted to his class, $4,000, that $100 bears to $50,000, the total purchases made by his class, that

is 100-50,000, or 1-500 say $8. The non-shareholding purchaser, on the other hand, who had made purchases of equal amount, would be entitled to a like proportion of the profit allotted to his class, $2,000. His class having bought $50,000, in all, he would have 100-50,000, or 1-500 of $2,000, say $4, which he could not better invest than by *buying one share* of the individual who had volunteered to carry the "block" of 500 shares temporarily, and thus become a member, and entitled thereafter to participate in a full share of the profits. It will be seen that in this way a person, without investing a dollar, may become a shareholder, simply by using his equitable share of the profits which grow out of his necessary purchases. In England, the law allows coöperative societies to increase their stock at will up to a certain limit, providing the cash value is paid into the treasury in full. Thus, in England, a non-shareholding purchaser who had accumulated in the company's hands, profits sufficient to pay for one-share could obtain it without any actual transfer of cash; but in Massachusetts, the law requires that the full amount of cash shall be paid into the treasury before business is begun, and that a new certificate shall be obtained from the State in case of any increase of capital. It is to meet this provision of the law, and at the same time leave the door open for those who may wish to turn their profits into stock, that the good offices of some one are called in to carry a "block" of stock temporarily. That "block" being exhausted, and the company continuing to realize profits, it would be easy for those to whom they belong to agree to invest them in new stock, at the same time assigning such profits, regularly earned and ascertained, to the company which would then apply for permission to issue additional stock, and, having been duly authorized, would proceed to issue it to the parties to whom it was indebted, in lieu of cash. In this way, the capital would be increased out of the profits of the concern, and the means afforded for enlarging and extending the business of the company. It is in this way that the capital of more than one coöperative company in England has increased from insignificant beginnings, often less than one hundred dollars, to half a million dollars. The Rochdale Society of Equitable Pioneers, which began with a capital of $140, now has over $1,500,000 invested. At the outset it had a little dingy room, which was open but one half day and one evening in the week. It now owns several fine buildings, has a large, central wholesale depot, a number of retail stores,

manufactures on a large scale, has its buyers in all the markets of Europe, imports its own teas from China, and carries on a business in groceries, provisions, clothing of all kinds, dry goods, boots and shoes, and every conceivable thing that is or can be used in household economy, from a stove to a piano, and from a tin pan to the finest gold watch that the best London or Swiss makers can produce. It sells for cash only, never makes any bad debts, and as it buys for actual cash in hand, it obtains its supplies at the very lowest possible rates, and gets the advantage of the last penny of discount. Its stores are patronized by the very best people in the community, and it has reached that point where it no longer desires to increase its capital, its shares command a high premium, and are in great request. Out of its profits it supports schools and reading rooms, provides public lectures and other entertainments of an instructive and elevating character, cheerfully disburses large sums to aid worthy charities, and is in every way, direct and indirect, a benefit and a blessing. Its affairs are managed by some of the best men in the community. It asks no free service of any man, its officers are liberally paid in proportion to the service rendered. Its directors receive a small, though adequate *honorarium* for each meeting which they attend, and are fined a like amount for each failure to appear. It carries the coöperative idea into its factories and mills, each operative receiving besides his regular pay, an equitable part of the profit which grows out of his work, and its resident buyer in Canton knows that it is for his interest to buy at the very lowest rate, because he will receive his just share of every penny saved. It always keeps in hand a large surplus to make good any possible loss from depreciation, and so good is its credit that capitalists are constantly seeking to loan their money to it. Occasions sometimes occur when it finds it desirable to make heavy purchases in anticipation of future wants, especially where unusually advantageous bargains are offered, and in such cases it finds no difficulty whatever in borrowing at the very lowest rate. Its progress has been steadily upward and onward from the start, and as it is founded on principles of absolute equity, there seems to be no reason why its prosperity should not continue for all time.

Whence came all this property, well and safely invested, and yielding handsome returns to its owners? Simply from saving what would otherwise have been paid in profits to others, but which experience shows need not be paid to others. The coöperators

have paid no higher prices for the necessaries of life than if they had made their purchases of ordinary dealers, but they have paid these prices to themselves, and everything over and above actual cost has returned to them. Finding that the company could use these profits advantageously, and would pay as fair rate of interest, they have invested these savings in new stock, and have become capitalists in a small way. More than this, they have had the advantage of the means of intellectual improvement which their own funds have supplied, and have availed themselves of them with a feeling of manly independence which could never accompany the use of such opportunities when supplied by charity. Again, taking an active part in the management of the affairs of the corporation, they have gained an insight into business matters, and have had something to occupy their time and thoughts when their day's work was done, responsibilities which, though weighing heavily upon no individual member, have yet been sufficient to occupy their minds, keep them out of idleness, and make them feel that they had something to do in this world besides tending a loom or a spinning frame. This successful effort at coöperative distribution has enabled the poor to purchase better food and more of it, better and more comfortable clothing, has given them the means to educate their children, and has raised many from abject misery and despair to comparative comfort and ease. It has stimulated thrift, has encouraged industry, and has opened a way to better things where none seemed possible. The experiment is being tried in this country, and there seems to be no good reason why it should not prove successful. It will take time to teach the masses the benefits of the system, but time will teach them, and when they have once learned to appreciate its advantages they will not be slow to avail themselves of it.

Not long since I chanced to be in a New England town in which is located a large cotton mill, owned mainly in Boston. The operatives live in houses owned by the corporation, the rent of which is deducted from their monthly pay. Near by is a store which, though carried on under a different firm name, is in reality the property of the corporation. At this store the operatives buy mainly, because they can buy on credit; and it is very safe to trust them, for the store has a lien on their pay, and what they owe it is subtracted from their monthly pay as well as their rent. What wonder that they know nothing of thrift? What wonder if they

sometimes feel that society is banded against them, determined to keep money out of their hands? What wonder if they lose heart when illness forces them to lie idle? If, instead of this, they had their own store, at which they paid for their purchases in cash, knowing that whatever profits accrued would be returned to them in cash in proportion to their purchases, if the store profits which now go into the coffers of the corporation which they serve went into their pockets, — if, in a word, they could feel that they were looked upon as human beings, and not as machines, destined only to accomplish the largest possible work for the least possible pay, even that being still further reduced by setting up a store and exacting a percentage on every purchase made, would they not be better members of society, and would not society be bettered by the change? What has been done can be done, and it is my belief that there is not a city or town in the Union in which coöperative distribution on the equitable basis which I have described, and known as the "Rochdale plan," cannot be inaugurated with benefit not only to those directly concerned but to the community at large.

V. COÖPERATION IN ENGLAND.

BY JAMES SAMUELSON (LIVERPOOL, ENGLAND).

(Read Friday, September 12.)

Comparatively little attention is paid during prosperous times to the question of the relative shares which the capitalist and the artisan should receive out of their joint earnings; but during or after a long period of depression the subject becomes a "burning" one, and perhaps at no time so much as the present has it occupied the earnest attention of thoughtful men.

Each side, of course, takes its own views of the matter, and those views are moderate or extreme, rational or visionary, according to the education or disinterestedness of those who hold them. Communistic leaders hold that the capitalist merely secures his share of the profits of hand labor by superior cunning, coupled with the power given to him by his money; and they do not scruple to avow their intention to change all that by the physical force of numbers. On the other hand, capitalists by divine right look upon their laborers pretty much as they do on their horses, and often

bestow more thoughtful care upon the latter than they do upon the former. Moderate men on both sides do not fail to see that whilst employer or employed naturally seeks to do the best he can for himself, yet it is to their mutual interest that the wheels of trade should run smoothly; and even the men who go out on strike, or the master who locks out his employés, protests that it is a matter of sheer necessity; and whichever side is disturbed by the requirements of the other, appeals to public opinion to witness that it is not to be blamed.

Whoever has watched the course of labor disputes and the proposed remedies, for some years past, knows that not only have disinterested men sought to mend the matter as it now stands, but that they have devised means to put the whole question on a new basis by endeavoring to make the laborer as far as possible a capitalist, and his own employer. In this matter of coöperative *producing* companies, and industrial partnerships, I have had a small but not uninstructive experience. Let me narrate it as briefly as possible. About thirteen or fourteen years since, during a strike in the building trade, I wanted some work performed, and found it difficult to get it done through the ordinary channels. In conjunction with a friend, an able surveyor and architect, I started a Coöperative Building Company, consisting entirely of workingmen: bricklayers, masons, joiners, &c. They commenced with a capital of £400 ($2,000) and having selected a person as managing director who had been a journeyman bricklayer, and had managed to obtain good technical instruction in his trade, they prospered for some time. Partly through the work which I gave them, or which was obtained for them by my friend, they succeeded in trebling their capital. When they had about £1,200 ($6,000), and seemed fairly afloat, we left them to their own devices; but very soon I had to interfere to prevent them from taking a railway contract of £20,000 or £30,000, which was far beyond their means of accomplishment. Then I heard of complaints against the managing director; the men brought accusations against him and he against them. Whoever may have been to blame, in a few months their capital was once more reduced to about £400, and in order to save that we advised them to wind up, which was done accordingly.

The second case was rather different. I was the managing director of a manufacturing concern which was very prosperous. Our capital was held in £50 shares, and I induced my co-directors to

let me try the following experiment: as a reward to our men who had been with us over twelve months, we allotted to such as we felt we could admit as partners, one share each. Without lowering their wages, which were the highest in the trade, we credited each man ten per cent. on the amount of his wages annually, and endorsed the sum upon the back of his share. On so much he received the same dividend as the other shareholders, and as soon as his share was fully paid up he became entitled to a vote. The Companies' Acts of 1862–7 enabled us to do this by special resolution. To the men whom we could not safely trust with shares, such as casual laborers, we also gave ten per cent. premium in cash. Now for the result. About twenty-two shares were allotted to as many men during the first year or two, and more afterwards, but when I left the company, some years afterwards, only three men held shares, viz.: the day foreman, the night foreman, and the chief millwright. The remaining shares, under one plea or another, were turned into cash by the men, either by sale to persons who brought them to us for liquidation, or by direct appeal to us to buy them; some very urgent want of the holder being usually the excuse for selling the share. In both the attempts which I have made, therefore, to promote coöperative production by workingmen, I have failed; and, so far as I have been able to ascertain, I have not heard of any undertakings of that kind which have been *permanently* successful in my country, although they have succeeded better elsewhere in Europe. I am not now speaking of companies for distribution, such as stores, &c., for those have been in many cases not only very successful as trading establishments, but they have conferred immense benefits on their customers.

I attribute the cause of failure in the class of concerns to which I have referred to want of providence, and imperfect education of the working classes; and, I am sorry to say, want of chivalry on the part of those who are employed by their fellow workingmen to manage their concerns. I have always found that the men who cry out the loudest for equality, are the sternest tyrants when they become employers; and that they suddenly discover that brains and wealth can always command and control labor. But I have full confidence in the ultimate success of coöperative manufacturing concerns, which, I may add, are looked upon without jealousy by our employers, who wish the men to have some of the experience of the capitalist and employer.

Meanwhile, I think the present mode of regulating the value of labor by the negotiations of well-organized Unions of men, and of employers, is the best that can be devised. It would be presumptuous in me to express any decided opinion as to the working of the system in this country. Although, I have given it considerable attention since my arrival here, my stay has been very short and I hope still to learn much before returning home, but certain facts have pressed themselves upon my notice. You seem here to consider your Unions of men as mere agencies for promoting strikes. Many of our Trades' Unions no doubt act unwisely in labor disputes, and so do the leaders of the Employers' Unions, which are increasing in number every year, but it would be easy to prove that in very many cases the existence of Unions in certain trades has prevented strikes, for it has enabled the Council of Employers to meet and discuss differences with their men; whereas, under the old system, one man or a small clique could set a whole trade by the ears without responsibility, and the permanent settlement of the dispute was often as troublesome as the strike itself.

I am sorry to see the tone of bitter hostility which is adopted towards Trades' Unions over here, and the readiness with which employers listen to the after-dinner gossip of some of our manufacturers who visit this country; and I regret it, because I think Trades' Unions, both of employers and men, will have a very considerable development in this country, and your nation will have to make the best of them as we have done, and to adapt them to your changing requirements, and to the conditions of your labor market. Let me, however, conclude these few desultory observations by once more distinctly stating that I express no opinion on the management and aims of your Unions, as they exist at present. I shall probably learn more about them before leaving the country, and I can only express the hope that as they develop, they may confer benefits upon the working classes without exciting the animosity of the employers of labor. The same remarks apply to the Masters' Associations, as they are termed with us, the existence of which (when it is not abused) exercises a very wholesome influence upon the course of trade and manufactures, in controlling the action of the Men's Unions, and helping to fix an equitable rate of wages.

SARATOGA PAPERS OF 1877.

I. EXTRADITION.

BY PROF. SHELDON AMOS, OF LONDON, ENG.

(Read September 7, 1877.)

It is not surprising that the subject of the claim of a State in the territory of which a crime has been committed, to the surrender of the accused at the hands of the State, to the territory of which he has escaped, should be a matter peculiarly apt to generate heated and often anxious controversy. The subject is most usually discussed when the circumstances of some special case are involved. National susceptibilities and personal sympathies are aroused. The actual condition of the facts and of the law are soon hopelessly implicated with dreams of future or speculative reforms. The happiest solution is reached by an astute diplomatic compromise, or by the escape of the prisoner from the hands of the claimants on both sides. On these grounds, there are the strongest reasons for discussing, when opportunity offers, the principles on which the extradition of fugitive prisoners must, in modern times, be based, without being under the necessity of adverting to the illustration supplied by a critical and yet undecided case. The following considerations will, it is hoped, prepare the way for a clear enunciation of such principles of an Extradition policy, as alone are admissible between the States of the modern world.

I. The need for the extradition of fugitive prisoners springs from the distribution of civilized mankind into separate nationalities. These nationalities have, by their inherent nature, definite and ascertainable relationships to territories and to persons. Each nationality, taken by itself, at a definite epoch, represents a group of determinate persons permanently associated with an assigned portion of the earth's territory, and possessing a governmental, legal and social organization, the product of its own historical vicissitudes, and more or less conducive to its stability and moral development. It is irrelevant here to inquire into the general historical antecedents which have brought about the existing distribution, for purposes of national independence, of the earth's

population and territory. It is needless to consider to what extent this distribution, as it exists, is beneficial, or the reverse, or how far it must be accepted as final, or must be treated as open to indefinite changes in the future. It is sufficient to notice and accept the fact that all modern policy proceeds, and must proceed, on the hypothesis that the living world of human beings is distributed into distinct groups of persons, places, laws, and institutions, firmly and permanently associated together. Another important, obvious fact, almost involved, indeed, in the mere statement of the previous one, is that the degree and type of civilization, forms of government, legal and social peculiarities, of each group may, and do, differ widely from those of any and every other group.

All the problems of Extradition arise out of the conflict of the claims of the several national groups, as among themselves, brought about by that intermixture of some of their elements, which the modern facilities of intercourse and locomotion renders increasingly common. A citizen owing a life-long or temporary allegiance to a particular State, commits a crime in its territory, which instantly renders him amenable to its tribunals. He betakes himself to the territory of another State, with another form of government, other manners, laws, institutions, and becomes, during his residence, at least for many purposes, a citizen of that State. Is he still, in the view of both States, amenable to the tribunals of the State from which he has fled? If so amenable, by what political or legal machinery can the claim to jurisdiction be enforced? By what precautions can the claims of innocent persons wrongfully suspected, and the interests of State independence and of general political development be effectually protected? These are the leading questions presented, and it will be found that the facts of nationality, as before expounded, supply, both in theory and practice, the answer to them.

II. The fact of nationality exhibits itself, in relation to the present topic, under three prominent forms: First, (1) Every State has certain permanent relations to its own citizens, and certain temporary relations to the citizens of other States temporarily sojourning in its territory. Secondly, (2) Each State has, at a definite time, a political constitution, which may be of any shade of goodness or badness, and which may differ at any point, or at all points, from that of any other State. Thirdly, (3) The legal and judicial system, the nomenclature of offences, and the

moral code found in different States, though doubtless always approximating, nevertheless exhibit the greatest disparity and variety.

(1) It may be assumed that there is a transparent convenience in the application of the doctrine of the *locus in quo* to criminal jurisdiction. The facility of summoning witnesses, and of investigating, if need be, the material surroundings of the offence, as well as the importance of directly associating in the minds of those who have heard most of the crime the fact of its judicial retribution, strongly recommend this doctrine, though it might perhaps be advantageously supplemented by another doctrine, to the effect that a crime is always triable, if circumstances seem to recommend it, in the country of which the accused is a citizen, as well as in that in which the crime was committed. Some such doctrine, if generally adopted, would give satisfaction to those States which, as things are, are reluctant to extradite their own citizens, while it would afford a sufficient guarantee against impunity being achieved by the mere fact of crossing a territorial border or sea.

The fact of a sort of competition sometimes presenting itself between the claims of a State of which a fugitive from justice is a permanent citizen, and the claims of a State in the territory of which he is a transitory resident, or between the claims of two States in the territory of each of which he has been only a transitory resident, has been fully illustrated by the well-known diplomatic differences, which have recently, in reference to this subject, characterized the relations of the United States and Great Britain. Apart from all controversy as to the proper interpretation of a special treaty, or to the rule of international law in the absence of a treaty, and to which a treaty, when made, must be understood tacitly to refer, it does not appear how a State called upon to surrender a fugitive temporarily resident in its territory, need, or ought, before consenting to the surrender, to concern itself with the past life and criminal liabilities of the accused. There may be good grounds for demanding transparent *bona fides* in the government which claims the surrender; and an apparent intention to use the offence alleged as the ground of extradition, merely by way of a cloak to ulterior proceedings, would be inconsistent with such *bona fides*. But to transfer the easy and beneficial working of an extradition policy by attempting to shelter a fugitive against all his earlier liabilities, is to confuse the transient relation which a State

has towards those who are availing themselves of its hospitality with the permanent ties which exist between a State and its subjects. There may, indeed, according to this statement of the case, be some pretext for the shield which a State called upon to surrender its own subjects, feels disposed to throw over their previous lives in other countries. But, even if this amount of protection were theoretically justifiable from one point of view, any security against the consequences of crime, or impediment to the effective administration of justice throughout the world, is counter to the demands of an enlightened international policy.

There is yet another question, in the answer to which the theoretical relationship of a State to its own citizens, and to the citizens of other States temporarily resident on its soil, is concerned,—that is, the right and duty of Extradition in the absence of express treaty engagement. This subject has been much discussed by jurists, and a great weight of authority is to be found on either side of the argument. The question is not, perhaps, of a very practical kind, because, on either view, the convenience or necessity of making clear and definite arrangements for the details of an Extradition policy is so obvious that, even were treaties superfluous, they would generally be resorted to; and, therefore, where they do not exist, it might safely be presumed a policy of Extradition was, on some special grounds, not acceptable. Nevertheless, in the course of interpreting treaties, or providing for points omitted by the language of treaties, it may make some difference whether it is held that an extradition policy is presumptively favored by law or the reverse. Keeping in view the relations of a State to those usually found in its territory as well as its own citizens, these relations must be understood in a sense which subordinates them to the welfare of the State as a whole; and this welfare is best promoted by a policy which at once discourages fugitive criminals from abroad betaking themselves to its territory, and places impediments in the way of criminals at home escaping from justice. Thus, on the hypothesis that States understand their own interests, and are disposed to combine with one another for the purpose of promoting a common interest, it must be held that a policy of Extradition is presumably favored by law. It remains to be seen upon what grounds certain notable exceptions are imported into this general doctrine.

(2) The fact of Nationality, it was seen, implies that every

State has a distinct political constitution of any shade of goodness or badness, and that, as this constitution may differ widely, at any moment, from that of any other State, so it is capable of undergoing any amount and kind of change for the better or for the worse. Modern political science points to the conclusion that, on the whole, political improvement is best achieved by independent efforts within a State, however long and difficult those efforts must be, rather than by external pressure or interference from without. Thus it is a well recognized rule of public international morality, that States are neither entitled to encourage revolutionary enterprises within each other's borders, nor are bound actively to prevent them. The limits of the duty of a State towards a friendly Government, on the one hand, and towards individual insurgents against it, on the other, are hard to fix; inasmuch, as a conflict seems to arise between the claims of international comity and of humanity. Suffice it, that the limits are not as yet sharply assigned, either by public morality or by law. Any way, it is everywhere recognized that, though for national purposes it may be politic to handle the insurgent as the most noxious of criminals; for international purpose, he must be regarded as no criminal at all. This, of course, supposes that the political offence is not accompanied by ordinary criminal acts, or that indulgence is not sought for ordinary criminal acts merely prompted by a political motive. The position of a State, called upon to surrender a prisoner accused of an offence, which is only artificially designated a crime in order to establish the political institutions of another State, is that the alleged crime is unknown to the public international conscience, and may, in the sequel, be confessed everywhere to have been an act, or link in a chain of acts, of heroic patriotism.

(3) The fact of distinctness in nationalities, again, besides implying variety in forms and merits in the matter of government, further involves variety in the character of legal systems, and of types and degrees of general civilization. The mere difference of language may render it difficult or impossible to denote what is identically the same offence in the legal phraseology of two different countries. There are hardly any two countries in which, except in the case of the punishment of death, the punishments for the same crime are precisely the same. Great, and in some cases the greatest, variety exists in the nature of the preliminary measures on which a formal judicial investigation is founded, and probably

no two States in the world have the same rules and principles of evidence. These facts indicate the difficulties in matters of detail which must attach to all Extradition arrangements. They become more serious as the differences become greater, till at last they become insuperable obstacles. As between an advanced European or American State, on the one hand, and a State in which torture is practiced or barbarous punishments are still in use, or personal liberty is without value, or crimes are classified in accordance with perverse or obsolete ethical notions, extradition is impossible. Either simple humanity or the want of necessary mechanism absolutely proscribe it. But, except in these extreme cases, arrangements for extradition depend for their success on the care with which an enumeration of offences is effected, on the precautions taken to protect the innocent against charges which distance of place or time may render it impossible for him instantly to rebut, and on the security taken that no indirect political motive is at work for the purpose of recovering the person of a citizen under the spurious imputation of crime.

II. GRADUATE COURSES, AT LAW SCHOOLS.

BY PROF. SIMEON E. BALDWIN, OF YALE COLLEGE.

(Read at Saratoga, September 6, 1877.)

The ordinary course of study at American Law Schools occupies from one to two academic years, or from eight to eighteen months. Few will deny that to lengthen the period of attendance would add much to its value. It is desirable, I think, that legal studies should be commenced at the Law School; but, wherever commenced, the first weeks, if not months, must be largely spent in gaining acquaintance with the terminology of the science. Until this is accomplished, much of the clearest lecture or treatise will be mere jargon. So long as one pursuing any branch of knowledge is receiving new ideas, expressed in part in new words, the effort of the mind to recall the meaning of these words, as they suddenly strike the ear or eye, or perhaps to guess it from the context, must cause continual breaks, and make progress slow and uncertain. The school-boy, who derives hardly any definite ideas from his Euclid, when first read over, may find it all plain and clear, on review. The law-student must meet, at the outset, a throng of legal conceptions and expressions, belonging to a new world of thought, which, as they come crowding in upon his mind, jostling and thrusting aside one another, will often flit away like shadows, half remembered. Nor will the reality of form, which they will begin to assume, as they are brought again and again before his eyes, from different points of view, be all his gain. Familiarity with them, and with the lines and modes of thought pursued in legal investigations, seems to quicken the receptive faculties, and give peculiar energy to the power of apprehension. Every idea acquired is precisely of the kind to aid one most in acquiring more, and more readily.

Unless, then, the law-student has a mind well disciplined by previous studies of a somewhat similar character, I do not think that I overstate it in saying that he will gain twice as much in his second month at the Law School, as in his first, and almost twice as much in his second year, as in his first.

And even to those who come best prepared, and who apply themselves to their work with the most fidelity, how little of law can

be taught in but two years! They will do well, if they become familiar with its outlines, and learn the sources to which to go for fuller information; excellently, if they add to this the power clearly to apprehend and state a legal proposition, and to give not simply answers, but reasons for the answers, to legal questions of the simpler kind. The instruction given must be mainly elementary. It must touch upon many fields, and cover none.

But the difficulties in the way of lengthening the term of study are very great.

A large majority of American law-students are the sons of men in very moderate circumstances, and not a few are, in fact, supporting themselves by their own labor, of head or hand, during the very time in which they are acquiring their profession. To such, two years' residence at a Law School, away from home, seems the extreme limit of their ability; and of the few, whose means are greater, a considerable part have already spent eight or ten years in preparing for and acquiring collegiate education; and, anxious to get out into the active work of life, are impatient of every month's delay.

From these causes, nothwithstanding the general policy of our Law Schools to advise students to remain beyond the *minimum* period required, before applying for their degrees, and to hold out special inducements for doing so, few are ever found in attendance after the second year.

Nearly forty years ago, an attempt was made, at the Yale Law School, to organize classes for advanced studies in Jurisprudence. A six months' course of lectures was prepared, and another promised if a class of twenty should be formed to attend it; but the twenty were not to be found, and the whole scheme was soon abandoned, for want not of teachers, but of hearers. Similar attempts, and with similar results, have probably been made elsewhere. No man, indeed, can be long an instructor in a Law School, and have any love for his work, without longing to lead his pupils, beyond the rudiments of his science, into the examination of special fields of inquiry, in the hope of making them, in some measure, masters of at least one branch of study.

In Europe, the system of legal education has always been such as to demand more time than has been generally accorded to it in America. It has also demanded more of what we call scholarship. Law has been taught as a recognized branch of liberal

knowledge, and in close connection with instruction in the ordinary arts and sciences; or, as a means of serving the State, and so in a manner prescribed by public authority.

The term of study at the Roman Law Schools, under the empire, it will be remembered, was five years, and so lightly esteemed were the acquisitions of the first year, that the students were then called *dupondii*, or, as we might say, *two-penny* fellows, until Justinian gave them a less uncomplimentary name, when he substituted his own Institutes as their text-book, in place of the Commentaries of Gaius. The importance to the public interests of having a well-read Bar, as viewed by the emperors, is well shown by the careful directions given by Justinian, in the preface to the Digest, to those Professors of Law to whom it is addressed.

We know what universal attention, upon the revival of learning, was directed to the study of law. Thousands of students flocked to Bologna, where the canon law was taught in six years, the civil in eight; but these terms of study were shortened, as other branches of knowledge began to come into greater prominence, proficiency in which was considered as equivalent to a novitiate in law.

In modern Europe, we may say generally, that legal studies, to receive academic honors, or public approval, must either include or be preceded by a liberal education; such as is given by a college or gymnasium. Their Universities ordinarily grant no degree in the faculty of law, except to those who have previously received, or have proved themselves entitled to, one in the faculty of letters, arts, or sciences.

It is well known that in Great Britain the Law School system has found no favor; and that the Universities afford but an indifferent substitute. These teach law as it was, rather than as it is; presenting it from the historical point of view, and leaving its present and practical form to be learned elsewhere, at a later period.

At Cambridge, certainly, the degree of Bachelor of Laws does not necessarily impart any greater familiarity with them, than does that of Bachelor of Arts. There is an Annual Examination upon Law and History, open to all students who have kept a certain number of terms; and whoever passes this "Law and History Tripos," with honors, receives either the degree of LL. B., or of A. B., at his option. The examination papers are such as to require a good knowledge of Roman Law, and of the Latin language, con-

siderable familiarity with modern History, and a careful reading of Williams on Real Property; but they contain few questions which the practising lawyer could ever be called upon to answer. I mention them to show that an English University deems the first two or three years of legal study well spent, if they result simply in laying a generous foundation. In fact, this foundation is the only part of an English legal education for which — certainly until within the past ten years — the student has had adequate helps outside of himself. Nothing can be better in theory, nothing less efficient in fact, than their plan of learning law by familiar conversation with eminent barristers, drawing legal papers under their eye, attending Courts in their company, and daily discussions with fellow-students in the learned precincts of an ancient society, forming a part of the judicial establishment, and where learners and teachers meet on common and friendly ground.

Until the opening of the present century, the American plan of legal education was modelled, as closely as circumstances would permit, after that of Great Britain. Not a few of the early leaders of the American Bar acquired their profession in the mother country. The required term of study in all the older Colonies and States was long, but with a year's deduction in favor of College graduates. The chartering of numerous Law Schools, and the competition between them, as well as between the School and the lawyer's office as the place of study, have had the effect of shortening this term; perhaps, in some cases, of lowering the standard. Have they not now acquired sufficient strength to make it due to the public that they should try to exert an influence in the opposite direction?

With some such views, perhaps, the three New England Law Schools have all undertaken, within the last two or three years, to make their course and term of study more like those which, as we have seen, have generally been thought necessary, in other countries, to give a thorough legal education.

At both Harvard and Boston Universities the course in law has been recently prolonged to three years. At Harvard, degrees are to be conferred on those who pass an examination on the studies of the whole course, although actual attendance at the School for more than two years will not be insisted on. At Boston University, where the plan has already had a year's trial, the examination seems to be only on the studies of the first two years, but proof of

one year's additional study, either there or elsewhere, will be required.

The result of these experiments will be watched with great interest. It is, probably, not expected that any large proportion of the students will actually remain at the School during more than two years; but the third year, wherever spent, can hardly fail to be found of substantial value.

An obvious inconvenience is that of deferring the final examination until a year after the student has left the School, as is likely to be the case with most. To keep it thus hanging over his head, a constant source of anxiety, the more dreaded as time goes on, will not be favorable to the calm processes of rumination and assimilation, which would be no small part of the natura. work of such a year, and can hardly fail to result in a resort to "cramming."

In this respect, the new plan is a departure from the principle upon which modern educators have been — in this country, at least, generally agreed: that examinations should be as frequent as possible, in order to make special preparation for them, as far as may be, unnecessary or impossible.

In "cramming," men learn not what they wish to remember for its own sake, not what they expect to remember, at all, perhaps, a year afterwards; but what they think their instructors will be apt to ask them. They find themselves engaged in an ignoble attempt to puzzle out the favorite definitions or phrases of this or that Professor, the habit of his mind, the chances of his asking, this year, the same line of questions which he asked a year or two ago; and they feel themselves degraded by the effort.

It would seen to me, therefore, as if there were danger that this new system would elevate the final examination into undue importance, and give a perfunctory character to the studies of the year or two preceding it. Matthew Arnold, in his "Higher Schools and Universities in Germany," has occasion to contrast the English plan of relying upon final examinations, as the sole test of University work, unfavorably with that pursued, or favored on the Continent, as tending to foster a mechanical spirit of drudgery among details. Ater quoting Laboulaye's remark in regard to the Austrian plan (which he thinks not like the English, in this respect), — "Le pays à examens, l'Autriche, est précisement celui dans lequel on ne travaille pas," he adds in his strong way, "I do not say that

in countries like Austria and England, where there is so little real love for the things of the mind, examinations may not be a protection from something worse. All I say, is, that a love for things of the mind is what we want, and that examinations will never give it."

There is danger also that to prolong the necessary term of study at a Law School, will lessen the number of students. Other things being equal, those schools requiring the shortest period of attendance always have been and always will be generally preferred. Many, too many, go to a Law School mainly because, by statute or rule of Court, its graduates can secure admission to the Bar a year or two earlier than those who study in private offices. Take away this motive, and you take away the men.

Without dwelling further on the plan thus adopted at Cambridge and Boston, let me turn to that which, at the same time, was put on trial at New Haven.

There, the *minimum* period of attendance, required of candidates for the Bachelor's degree, has not been lengthened; but higher degrees are offered to those who remain at the School for one or two years more, to pursue a newly-arranged course of advanced studies. At the end of the first year of this graduate course, the degree of Master of Law (M. L.) may be given; at the end of the last year, that of Doctor of Civil Law (D. C. L.).

These are somewhat high sounding titles, and novel ones, on this side of the Atlantic; but they have long been awarded in course, abroad, and ordinarily on no harder terms. The Doctor's degree, indeed, appears to have been the first which was awarded, in the faculty of law, at the older Universities. It was given at Bologna, as early as the twelfth century.

At Oxford and Cambridge, it is given in course, a certain length of time after the Bachelor's degree has been obtained, and substantially without any further proof of legal or literary attainments.

The candidates need only pay the fees, present a satisfactory thesis, and, at Cambridge, pass a nominal, oral examination of an hour's length. No residence at the University is required; and, at Oxford, the candidate, if a resident of any British Colony, need not even be present to read his thesis, or receive his degree.

The degree of Master of Law is given, in the same way, at Cambridge to Bachelors of Laws of three years' standing; and to

any Bachelors of Arts who passed a satisfactory examination for their degree in the "Law and History Tripos," or, who may pass a special examination upon the Commentaries of Gaius, and the last volume of Blackstone's Commentaries.

The Doctor's degree is, at Oxford, that of D. C. L., (given five years after that of B. C. L.); at Cambridge, LL. D., (given eight years after that of LL. B.).

At the University of London, the degree is LL. D., and is awarded only upon a strict examination; which, if the candidate is less than thirty years old, cannot be had until two years after his taking that of LL. B.; and this, in turn, is given only to those who have been, for at least a year, Bachelors of Arts.

At the University of Paris, the Doctor's degree may be applied for one year after receiving the Bachelor's. The period of study required for the latter is three years.

Three years is also the ordinary term of residence for candidates for the Doctorate in Law (J. U. D.), at the German Universities.

Although these degrees have, I believe, never before been granted in course by any American University, one quite similar in character has been naturalized among us, during the past twenty years, and is now met so often that it has ceased to be unfamiliar. I mean that of Doctor of Philosophy (Ph. D.) which has been awarded not unfrequently, in part at least, for proficiency in constitutional history, political science, and other topics more or less closely attached to the domain of jurisprudence. So in Germany, applicants for this degree are allowed to make history and political economy their special studies; but their examination must include the History of Roman Legislation, and the Governmental Institutions of the German Empire.

To the introduction of this degree into this country as one to be awarded in course, there was one serious objection, which does not apply with equal force to our use of that of D. C. L. The degree of Ph. D. is often conferred, both here and abroad, as an honorary one; that of D. C. L. rarely, here, and when so given in England, always, I believe, prefixed, when written, by the word *honorary* (Hon. D. C. L.), to distinguish it from the same degree received in course. For this reason, it was chosen at Yale, in preference to that of LL. D.

It goes without saying that the degree of Doctor of Laws, however carelessly it may have been granted, as a matter of compli-

ment, should never be awarded in course, except to those who prove themselves well qualified to wear it with credit.

The Oxford and Cambridge plan of giving it to Bachelors of Arts, after the lapse of a few years, however spent, upon merely formal conditions, deprives it of any real value. The degree of Master of Arts was formerly conferred by most, and still is by many, American Colleges, on equally easy terms, with the result of degrading it in public estimation, so that a large proportion of those entitled to it have never thought it worth the payment of the five dollar diploma fee.

Nor ought this doctorate to be given to one who is well versed in law, but in nothing else. The recipient of so high an academic honor should be a man of general culture; and the readiest proof that the foundation of this, at least, has been laid, is an ordinary collegiate degree. To make this an universal requirement, however, seems hard in the case of those, whose health or circumstances have kept them from college, without preventing them from otherwise acquiring as much as a college gives.

The present arrangement at Yale is to allow Bachelors of Law, having no other collegiate degree, to study for the degree of Master of Law, but not to apply for that of Doctor of Civil Law, unless their Bachelor's degree was received at New Haven, and they ranked among the first quarter of their class, at their graduating examination. A good knowledge of Latin, and of either French or German, is also required, in all cases. The preliminary examination, for admission to the school, I may add, demands some knowledge of both English and American History. The preparation of a satisfactory thesis is made a necessary condition of applying for either of these degrees (M. L. and D. C. L.), as it is for that of Bachelor of Laws.

In regard, now, to the proper arrangement of studies for a graduate course, it is obvious that regard must be had to the fact that more can and will study for one additional year, than for two. The topics of instruction, therefore, during the first year should be those which come next in importance, and in practical utility, to those of the undergraduate course.

Only two of our Law Schools have, as yet, published their scheme of studies for this year. A comparison of these will show that the rule of selection, which I have just mentioned, has not been overlooked, and that it has led to results substantially similar.

YALE COLLEGE:—	BOSTON UNIVERSITY:—
(Required for first year of graduate course.)	(Elective for third year of under graduate course.)
Administration of Estates.	Bankruptcy.
English History, Constitutional, and Social.	History of English Law.
American Constitutional History.	Constitutional Law.
Evidence in Equity.	
Admiralty Law.	Admiralty, and Shipping.
Practice in the United States Courts.	Jurisdiction and Procedure of United States Courts.
Procedure in States having a Civil Code.	
Medical Jurisprudence.	Medical Jurisprudence.
Railroad Law.	
Corporations.	
General Jurisprudence.	General Jurisprudence, and its History.
Forensic oratory, and rhetoric.	
International Law.	Public International Law.
Roman Law.	Roman Law.
	Conflict of Laws.
	Patent Law.

Corporations, (including, undoubtedly, railroads,) is taught at Boston University as an elective study, in the second year, and is therefore given no place in the third. For a similar reason, Shipping, Patents, and Constitutional Law, which are required studies in the second year, at Yale, are not taught in the third year; the topic of Conflict of Laws is also postponed till the fourth year.

Most of the subjects thus proposed at these Universities, for the work of a third year, belong to a class about which the majority of American lawyers know very little. We may even concede that the ordinary American lawyer needs to know very little about them. He is seldom called into a Court of the United States, and should he chance to be consulted on a point of Patent, Bankruptcy, Shipping, Admiralty, or International Law, is content to refer his client to other counsel, who make such matters a specialty. This confession of ignorance will do him little harm, and the occasions for it will be rare.

But the work of the Law School is not to educate the ordinary

lawyer. Probably not one out of ten of the present members of the American Bar ever studied at one. Law Schools are not for the many, but for the few; not so much for those who are content to follow the law merely as a money-getting trade, as for those who seek it as a liberal and liberalizing profession. To such, the mastery of the science, to which they have devoted their lives, is a sufficient object, of itself. The possession of knowledge is not necessarily less precious, less felt to be a power within one, because in the drudgery of daily toil it gives no help. It lifts the man above the plane of his drudgery, and makes him respect himself.

It puts him, also, if he makes the right use of it, in the path to distinction. No amount of learning will make a brilliant man out of a dull one; but the brilliant man, with learning, will be more brilliant, the dull man, less dull. Professional success is largely a matter of opportunity; and it comes seldom to those who have not grasped it early. The young lawyer, who is found equal to the occasion, when suddenly called upon for advice in some critical emergency, or forced to try a case alone, in which, till the last moment, he had expected simply to be the assistant of older counsel, has made his mark, in an instant, on the community. Such a man will not regret the years of preparatory study, which he may have spent on subjects that then seemed likely to come seldom, if ever, within the range of his practice, if, at the time of trial, they gave him the consciousness or the material of strength.

The studies of the fourth year, at Yale (the last year of the graduate course), it is not expected that many will pursue. They will have attractions for but two classes of young men; those who wish to make themselves legal scholars, and those who hope to take an active and intelligent part in politics, (using that term in its best and proper sense.)

The knowledge acquired in such a year of study would be of little immediate and direct use to the practising lawyer, in entering on his profession. It might increase his self-respect, and so his self-reliance, might give him a higher place in the estimation of the Bar, which is always quick to recognize the presence of real learning in young or old; but it would throw little light on what he might find perplexing in his every-day work. Such studies are fitted to improve the man, rather than the lawyer; to fit him to fill his place in the community, more even than at the Bar. The life of a lawyer, particularly in the country, always has more or less of

the character of a public career. He is a leader in society, a guide of public sentiment, often a law-maker, as well as a law expounder. It is to be this that not a few take up the legal profession, and studies of the character of those under consideration would certainly be no mean preparation for filling such positions with honor.

The subjects of instruction are the following: —

Ethics.
Political History and Science.
Sociology.
General and Comparative Jurisprudence.
Political Economy.
Conflict of Laws.
Forensic Oratory.
Parliamentary Law.
Principles of Legislation.
Modern European Legislation.
Early History of Real Property.
Relations of Physical Geography to Political History.
Hermeneutics.
Canon Law.
Roman Law.

It will be observed that of these studies several are also taught in the earlier part of the course, while others belong to the ordinary College undergraduate *curriculum*. There are two reasons for this: one, that it is designed to pursue their investigation further than it may have been previously carried; another, that after becoming familiarized with the principles of jurisprudence and the facts of legal history, such topics as ethics, political science, and political economy, often assume a new aspect; if obscure before, they come out of the clouds, and their rules are comprehended and measured, as they could not be until compared with the rules of law.

This experiment of a graduate course has now had a year's trial at Yale.

A class of ten was formed in September, 1876, most of them from twenty-five to thirty years old. Eight were graduates of the Yale Law School, and two of Law Schools in other States.

Several of them did not propose to give their whole time to the course, but to take half of it, that year, and the rest, the next; not applying for their examination for the degree of M. L. till the end of their second year. Applications were received and denied from others, who desired to pursue the course at their own homes, and take the degrees, without any residence at New Haven, except while passing their final examinations.

One exercise of an hour or more in length was had daily, during

the year; and the wishes of the class were consulted in omitting, or giving but little time to certain of the studies, in favor of the others. Most of the exercises took the shape of recitations from text-books, or rather of familiar discussions, around a table, over the day's reading, between instructor and pupils.

English Constitutional History was taught partly by lectures, and partly by recitations from Taswell-Langmead's recent work; Admiralty Law, by recitations from Benedict's Admiralty; Forensic Oratory and Rhetoric, partly by lectures, and partly by recitations from Quintilian's Institutes of Oratory; Practice in United States Courts, by recitations from Desty's Federal Procedure, and the study of selected cases from the United States Reports; Railroad Law, by recitations from Pierce on American Railroad Law; American Constitutional History, by lectures, and a collateral reading course; General Jurisprudence, by recitations from Austin on Jurisprudence, supplemented by lectures; Corporations, by recitations from Angell and Ames on Private Corporations; Roman Law, by recitations from the Commentaries of Gaius, and Justinian's Institutes; and International Law, partly by lectures, and partly by recitations from Woolsey's Introduction.

The class were also required to draw some legal papers, in connection with their special studies, as a railroad construction contract, a bill in equity in the United States Circuit Court, &c.

At the end of the year, two were graduated as Masters of Law, after passing an examination which occupied three days. One of them intends to go forward, this fall, with the studies of the fourth year.

I have dwelt at more length than I should otherwise have done, on these features of the graduate course at Yale, because it is the first practical experiment in this direction in this, or, I believe, in any English speaking country. The lectures and examinations at the Inns of Court at London, are no part of an academic scheme; and the University of London, which is the only British University really requiring aspirants for the degree of Doctor of Laws to give anything but money for it, is more a Board of Examiners, as Professor Arnold puts it, than a School of Instruction.

But, however new to England and America, on the Continent, as we have seen, similar schemes of study, leading up to similar degrees, are familiar and common. Their University system, too, is far more favorable than our own, to the development of such a

course. Not only are there, throughout Central and Southern Europe, more lawyers who are also men of letters, and more men of letters who are lawyers merely because this represents to them an important form of knowledge, or is an avenue to public usefulness or distinction, but the many volunteer lecturers, or *privat-docenten*, swell the number of instructors, without expense to the University, and at little cost to any.

At the University of Berlin, for instance, their ordinary scheme of instruction in law, for each semester, comprehends about sixty courses of lectures by some twenty different instructors, averaging about three hours a week for each course. At Leipsic, the number of instructors is less by four or five, but the courses of lectures are very nearly as many. Not a few of those, no doubt, are never delivered, because no one cares to pay for them; and of those which are delivered no one student can attend more than a small proportion. Probably few are present at over three or four lectures a day; but, the power to select these out of perhaps twenty-five or thirty is a privilege hardly to be overestimated, if judiciously exercised.

In France, the instruction offered, though less varied than in Germany, still covers an extent of time and space, not to be approached here. During the last half century, the number of Professors of Law at the University of Paris has gradually grown from twelve or fifteen to more than twenty, each of whom gives three lectures a week.

In view of the wide ranges of study thus opened up, in the larger Continental Universities, is there, it may well be asked, any need to attempt here the organization of similar courses, which must, from the nature of our social institutions, offer fewer instructors, and a less variety of subjects, not to say less scholarship and power in their exposition?

Were our object to educate men to practice or to teach law under the Continental system, it would certainly be ridiculous to attempt to give that education here. But, on the other hand, no one can look over the topics of instruction proposed by the faculty of law at a European University, without observing how many are absent, which are of the first importance to an American lawyer, or an American teacher of law. The judicial, like the social ideas and institutions of a country, can be really known only by its own inhabitants. American law has its own distinctive characteristics, and

it should certainly constitute no small part of studies designed to form American jurists. The Common Law should form the backbone of our plan of legal education, as the *Corpus Juris Civilis* forms that of the Continental plan; and the twenty-four courses of lectures on the history and peculiar features of German Law, which are annually given at Berlin, might be of less value to the American student than one, illustrating some obscure subject, connected with the jurisprudence of his own country.

The man who takes in his general notions, even of the philosophy of law, from a foreign standpoint, is in danger of finding a total readjustment required, when his horizon changes to that of home. It is dangerous for a sovereign, Montesquieu declares, to allow himself to be thoroughly imbued with the spirit of the political and social institutions of any country but that which he is to govern. In a republic, where each citizen is a ruler, this principle, has, also, a certain force. Maxims of government, and modes of thought, impressed on a young man at a foreign University, may fit him, and may unfit him for usefulness at home.

Add to this that there are few young Americans, whose knowledge of French or German is sufficient to enable them to follow with ease a lecture in either language, delivered in the ordinary manner. A large part of their first year abroad must be given to mere linguistic study, and when the new vocabulary and its pronunciation become familiar, the words will still often fail to convey to a foreign ear their real and full meaning. There is too much truth in the saying that no man can ever *master* more than one language.

I need not say, then, that I believe in the expediency and the feasibility of establishing graduate courses of study at American Law Schools. Nor do I think it unwise to give, in connection with them, the same degrees, which have been pronounced fitting by the experience of modern Europe. Though not with us any passport to office, they will be, or ought to be, the highest form of a certificate of proficiency, — the best extrinsic evidence of a thorough legal education. And it seems but proper that from the University where a man spends two of the best years of his life in pursuing any study further than his fellows, and after they have dropped it, he should, if he merit it, receive higher academic honors than they.

The degree, however, is no necessary part of the scheme. Many,

it is probable, would value it little, who would value the instruction much. Let that be as comprehensive and generous as our circumstances will allow; let it be such as may make Masters of Law, and in the original sense, Doctors of Law, and it will not require such academic titles to attract students to a graduate course, or to make known what it has taught them.

Since this paper was read, degrees have been conferred in the graduate course at the Yale Law School, as follows:

1878.	D. C. L. — one.
	M. L. — five.
1879.	D. C. L. — one.
	M. L. — one.

During the current year (1880), five students have been pursuing the full course, and two have been taking a part of the studies. Graduates of the following Law Schools have, thus far, been members of these classes: Columbia; Union College of Law, of Chicago; University of Maryland; University of Pennsylvania; University of the City of New York; Yale.

JOURNAL

OF

SOCIAL SCIENCE,

CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATION.

NUMBER XII.

DECEMBER, 1880.

SARATOGA PAPERS OF 1880.

PART I.

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1880.

EDITED BY

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GENERAL SECRETARY OF THE ASSOCIATION,

CONCORD, MASSACHUSETTS.

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PREFACE.

The present number of the Journal contains about half of the Papers read before the Association at the General Meeting of 1880, in Saratoga. The Papers selected have been chiefly those of the Education and Social Economy Departments, as will appear from the following list of all the Papers. The others will appear in No. XIII. of the Journal.

ORDER OF BUSINESS AT THE SARATOGA MEETING.

I. In General Session.

Tuesday evening, Sept. 7. At 8 o'clock, Annual Address by President Gilman, of Baltimore. The Address was followed by a reception of members and guests of the Association, in the parlors of the United States Hotel, at 9.30, P. M.

Wednesday, Sept. 8. At 9, A. M., Report of the General Secretary, Mr. F. B. Sanborn, of Concord, Mass., followed by the reading of Communications and by the Report of a special committee on *Casualties in Mining*, read by Joseph D. Weeks, Esq., of Pittsburgh, Pa.

At 8, P. M., a debate of the Health Department, on *The Adulteration of Food, Drugs and Domestic Articles*, after the reading of a Paper by Prof. S. W. Johnson, of Yale College; among the debaters being George T. Angell, Esq., and Prof. W. R. Nichols of Boston, C. F. Wingate of New York, Dr. E. M. Hunt of New Jersey, and Prof. Remsen of Baltimore. Prof. Wayland of Yale College, presided during the debate.

Thursday, Sept. 9. At 8, P. M., election of officers. A debate followed on *Indeterminate Sentences*, this topic being presented by Mr. Z. R. Brockway, of the Elmira Reformatory, by Prof. T. W. Dwight, who presided, and others.

Friday, Sept. 10. At 8, P. M., a Paper read by F. L. Olmsted, Esq., of New York; Judge Peabody, of New York, presiding. This was the Paper on *Parks*.

II. Department Meetings.

In the Health Department.

Wednesday, Sept. 8. At 9.30, A. M., An Address by Dr. D. F. Lincoln, of Boston, Chairman of the Department; at 10.30, A. M., a Paper by Dr. E. W. Cushing, of Boston (Secretary of the Department), on *The Regulation of Medical Practice by Statute;* at 11.15 o'clock, a Paper on *Insanity in its Economic Aspect*, by Dr. Walter Channing, of Brookline, Mass.

In the Education Department.

Wednesday, Sept. 8. [Col. T. W. Higginson, of Cambridge, Mass., in the chair.] At 10, A. M., Mrs. Talbot, of Boston, Secretary of the Department, presented the Report of Prof. W. T. Harris, on *Kindergarten Schools*, which was followed by a debate; at 11, A. M., Miss Baright read a Paper by Miss Edith Simcox, of the London School Board, on *Education in England*, followed by a debate, in which Mr. M. D. Conway, of London, and others, took part; at 12.30, P. M., a Paper was read on *The Relation of the Public Library to the Public Schools*, by Samuel S. Green, Esq., of Worcester, Mass.; at 4, P. M., a Paper by Dr. J. M. Gregory, President of the Illinois Industrial University, on *The American Newspaper and American Education;* at 5, P. M., a Paper by Miss Mary W. Hinman, of Havana, N. Y., on *Home Life in Some of its Relations to Schools.*

In the Jurisprudence Department.

Thursday, Sept. 9. At 9.30, A. M., a Paper by Henry W. Farnam, Esq., of New Haven, on *The Socialist Laws of Germany;* at 10.15 A. M., a Paper by Prof. Henry Hitchcock, of St. Louis, on *Modern Legislation Touching Marital Property Rights;* at 11, A. M., a Paper by E. L. Godkin, Esq., of New York, on *Libel and its Legal Remedy;* at 12 o'clock, a paper by F. J. Kingsbury, Esq., of Waterbury Ct., on *Pensions in a Republic.* Mr. Justice Miller, and Hon. B. H. Bristow, of Kentucky, presided during the morning session. At 4.30 P. M., a Paper was read by Edward M. Hartwell, Esq., of Baltimore, Md., on *The Laws Concerning Anatomical Science.*

In the Social Economy Department.

Friday, Sept. 10. At 9, A. M., Papers by Messrs. R. T. Paine, Jr., of Boston, McCulloch, of Indianapolis, and Kellogg, of Philadelphia, and by Miss Hallowell, of Philadelphia, on *Associated Charities;* at 11, A. M., a Paper by Mrs. Florence Bayard Lockwood, of New York, on *The Principle of Volunteer Service in the United States;* at 12.30, P. M., a paper by George R. Bartlett, Esq., of Concord, Mass , on *Recreations of the People;* at 4, P. M., a Paper by Mrs. Julia Ward Howe, on *Changes in American Society.*

Mr. F. B. Sanborn presided at the morning session in this Department; Mr. F. J. Kingsbury in the afternoon session.

The officers elected at Saratoga were those whose names are printed on page 168, except two or three who have since declined, and Prof. Peirce, who has died. At the same time, the new committees of the Education, Finance, and Social Economy Departments, were appointed as they stand on page 169; but the Health and Jurisprudence Committees stand there, as organized at the Council Meeting held in New York, December 10, 1880. Certain announcements concerning the General Meeting of 1881, will be found at the end of the present Number.

Among the communications received at Saratoga, was one from Mr. C. L. Brace, enclosing a Paper on Christianity in its Relations to International Law, which he desired the Secretary to submit to the Association, and which was so submitted, and in part read. It has since been published by Mr. Brace. Several of the Papers read have also been published by their authors, or will be, previous to their publication in the Journal of Social Science; it having been customary for the Association to allow writers this opportunity when desired.

Little business, other than the reading and discussion of Papers, and the election of officers, was transacted at the general meeting of 1880; but the opportunity was taken, then, and subsequently, to reorganize the Department Committees for more effective work under the new arrangement of the Association's affairs. The task undertaken and performed by the Committee of the Social Economy Department in regard to the interesting subject of Associated Charities, is a good example of what work can thus be done.

The Papers prepared by this Committee, are printed in this Number of the Journal, and will be found to cover the topic treated, very effectively. They are in continuation and further explanation of the report made to the Conference of Charities, at Cleveland, on the same topic. It is hoped that the Committees of the Education, Health and Finance Departments, will proceed in the same thorough manner to investigate and report upon topics belonging to them, and such is understood to be the purpose of these Committees, as now organized. The Department Officers are authorized to fill vacancies in their Committees, and to assign topics for consideration by sub-committees, or by individuals. In the meantime, all members of these Committees are invited to correspond with the Chairman or Secretary of their Department, or with the General Secretary, in regard to the investigations to be made, and the Reports, or Papers, to be prepared for use at the General Meeting, or at the Quarterly Meetings of the Council, or at special Department Meetings which may be held.

The Conference of Charities, which is now a body of delegates meeting annually apart from the sessions of the American Social Science Association, will hold its eighth yearly meeting, in Boston, in July, 1881, commencing on Monday morning, July 25, and continuing until Saturday noon, July 30. The Standing Committees of the Conference, six in number, will report on each secular day

f the week at a morning session; the afternoon will then be given o visiting institutions, and to social recreation, and an evening ession will close the day's work. Members of Boards of State Charities and Prison Commissions, are *ex-officio* members of the Conference, and so, too, are all persons officially connected with the management of charitable, reformatory, or penal establishments. In addition, all persons interested in such institutions are cordially invited to be present. It has become customary for the Governors of States to appoint such representatives as they specially desire to have in attendance, and it is hoped that next year every State will send such delegates. It is expected, also, that the Dominion of Canada will be fully represented.

The Proceedings of the Seventh Conference, at Cleveland, have been printed and distributed to members of the Association. Proceedings of the former Conferences, so far as attainable, for some are out of print, will be furnished to members and others desirous of obtaining them, by the Secretary of the Association, the price being $1 for each volume, except those of 1874 and 1875, which are sold for 25 and 50 cents each. A list of the other publications of the Association is annexed.

PUBLICATIONS OF THE

American Social Science Association.

Journal of Social Science. Containing the Transactions of the American Association. Nos. I.—V. 8vo, paper, each $1.50. Nos. VI., XI., XII., each $1.00.

CONTENTS OF NUMBER TWO.—Current Record of the Association. I. Immigration—Frederick Kapp. II. The American Census—James A. Garfield. III. The Mode of Procedure in Cases of Contested Elections—Henry L. Dawes. IV. The Public Charities of the State of New York—Theodore W. Dwight. V. The Public Libraries of the United States—Ainsworth R. Spofford. VI. The Science of Transportation—Joseph D. Potts. VII. Vaccination—A Report presented by Francis Bacon, William A. Hammond, and David F. Lincoln. VIII. The Election of Presidents—Charles Francis Adams, Jr. IX. Life Insurance—Sheppard Homans. X. The Administration of Criminal Justice—George C. Barrett. XI. Health Laws and their Administration—Elisha Harris. XII. An International Code—D. D. Field. XIII. General Intelligence. XIV. Constitution. XV. List of New Members. XVI. List of Works relating to Social Science published in 1869.

CONTENTS OF NUMBER THREE.—I. Public Parks and the Enlargement of Towns—F. L. Olmsted. II. Art Education in America—C. C. Perkins. III. Civilization and Health—Francis Bacon. IV. American System of Patents—S. A. Duncan. V. Nature and Sphere of Police Power—T. D. Woolsey. VI. Legislation and Social Science—E. L. Godkin. VII. Representation of Minorities—D. D. Field. VIII. Relations of Business Men to National Legislation—H. A. Hill. IX. Houses in the Country for Working Men—G. B. Emerson. X. Minority Representation in Europe—Thomas Hare. XI. Application for Mr. Hare's system of Voting to the Nomination of Overseers of Harvard College—W. R. Ware. XII. General Intelligence. 1. Home. 2. Foreign.

NUMBER FOUR is out of print, as well as NUMBER ONE.

CONTENTS OF NUMBER FIVE.—I. Municipal Government—Dorman B. Eaton. II. Higher Education of Women—T. W. Higginson. III. Restoration of the Currency—Joseph S. Ropes. IV. Some Results of the Census—Francis A. Walker. V. Public Vaccination—F. P. Foster. VI. The International—David A. Wasson. VII. Legislation in Relation to Pharmacy—G. F. H. Markoe. VIII. General Intelligence.

CONTENTS OF NUMBER SIX.—General Meeting at New York. I. Opening Address—George William Curtis. II. The Work of Social Science in the United States—F. B. Sanborn. III. Financial Administration—G. Bradford. IV. Conference of the Boards of Public Charities. V. Pauperism in the City of New York. VI. The Farmers' Movement in the Western States—Willard C. Flagg. VII. Ocean Lanes for Steamship Navigation—Prof. B. Peirce. VIII. Rational Principles of Taxation—David A. Wells. IX. American Railroads—Gardiner G. Hubbard. X. Reformation of Prisoners—Z. R. Brockway. XI. The Deaf-Mute College at Washington—Edward M. Gallaudet. XII. The Protection of Animals—George T. Angell. XIII. American Finance—Prof. W. G. Sumner.

CONTENTS OF NUMBER SEVEN.—I. Private Property upon the Sea—Rev. Dr. Woolsey. II. Conference of Boards of Health. III. (School Hygiene)—Drs. D. F. Lincoln and A. L. Carroll. IV. Tent Hospitals—Dr. J. F. Jenkins. V. National, State, and Sectarian Universities—A. D. White and Dr. McCosh. VI. Free Lending Libraries—W. W. Greenough. VII. The Young Men's Christian Association—Cephas Brainard. VIII. Ocean Lanes. IX. Prison Reform in Europe and America—Dr. Wines and F. B. Sanborn. X. Social Science Record. XI. Conference of Boards of Charities.

CONTENTS OF NUMBER EIGHT.—I. The Production and Distribution of Wealth—David A. Wells. II. The Work of Social Science—F. B. Sanborn. III. Progress in International Law—J. B. Angell. IV. The Experiment of Civil Service Reform—Dorman B. Eaton. V. The Treatment of the Guilty—W. G. Eliot. VI. Health in Schools—Drs. D. F. Lincoln, J. J. Putnam, etc. VII. Financial Policy of England and the United States. VIII. Limitations of Judicial Power—Emory Washburn. IX. Life Insurance for the Poor—Elizur Wright and Sheppard Homans. X. Legal Education—W. G. Hammond. XI. The Detroit Meeting.

CONTENTS OF NUMBER NINE.—I. Social Science in Theory and in Practice—F. B. Sanborn. II. The Silver Question—W. Stanley Jevons. III. The Silver Question—B. F. Nourse. IV. Savings Banks—John P. Townsend. V. Local Taxation—William Minot, Jr. VI. Industrial and Social Aspects of the Southern Question—W. L. Trenholm. VII. Education in the Southern States—T. M. Logan. VIII. The Navigation Laws of Great Britain and of the United States—Hamilton A. Hill. IX. The Tariff Question—Horace White. X. Custom House Forms—Henry D. Hyde. XI. State and Municipal Government—Samuel Bowles. XII. Municipal Economy—Daniel L. Harris.

CONTENTS OF NUMBER TEN.—Transactions of the Association, 1879. I. American Education, 1869-1879. Annual Address by President Gilman. II. The Method of Study in Social Science—William T. Harris. III. Report of the Department of Education—Mrs. I. T. Talbot. IV. The Voting of Women in School Elections—A. P. Peabody. V. Relations of Christianity to the Common Law—M. B. Anderson. VI. The Place of the Practical Man in American Public Affairs—Hamilton Andrews Hill. VII. Chinese Immigration—S. Wells Williams. VIII. The United States and The Declaration of Paris—Theodore S. Woolsey. IX. Recent Changes in our State Constitutions—Simeon E. Baldwin. X. The Policy of Patent Laws—Frederic H. Betts. XI. The Sewerage of the Smaller Towns—George E. Waring, Jr. XII. Industrial Arbitration and Conciliation—Joseph D. Weeks.

CONTENTS OF NUMBER ELEVEN.—Report of the Annual Meeting, 1880. List of Members. I. Southern Questions. 1. The Negro Exodus from the Gulf States—Frederick Douglass. 2. The Emigration of Colored Citizens from the Southern States—R. T. Greener. 3. Colored Schools in Virginia—Mrs. Orra Langhorne. II. Recent Changes in the West—Robert P. Porter. III. A Report on Protection from Casualties in the Use of Machinery—Prof. William Watson. IV. International Coinage—Robert Noxon Toppan. V. Social Economy Papers. 1. Report of the Department of Social Economy—F. B. Sanborn. 2. The Care of Poor and Vicious Children—Charles L. Brace. 3. Social Economy in Illinois—Mrs. Harbert. 4. Co-operative Distribution—William A. Howey. 5. Co-operation in England—James Samuelson. Saratoga Papers of 1877. 1. Extradition—Sheldon Amos. 2. Graduate Courses at Law Schools—Prof. S. E. Baldwin.

CONTENTS OF NUMBER TWELVE. Professor Peirce's Cincinnati Address: The National Importance of Social Science in the United States. President Gilman's Opening Address. Report of the General Secretary, by F. B. Sanborn. Report of the Treasurer and Publication Committee: Prof. Wayland and F. B. Sanborn. Papers of the Education Department: I. Report on Kindergarten Schools—Prof. Harris, Mrs. Talbot. II. The Relation of the Public Library to the Public Schools—Samuel S. Green. III. Educational Progress in England—Miss Edith Simcox. IV. Home Life in Some of its Relations to Schools—Miss Mary W. Hinman. V. The American Newspaper and American Education—Dr. J. M. Gregory. Libel and its Legal Remedy—E. L. Godkin. Papers of the Social Economy Department: I. Associated Charities. A. The Principle and Advantage of Association in Charities—Rev. D. O. Kellogg. B. General and Special Methods of Operation—Rev. O. C. McCulloch. C. The Need and Work of Volunteer Visitors—R. T. Paine, Jr. D. The Care and Saving of Neglected Children—Miss Anna Hallowell. II. The Principle of Volunteer Service—Mrs. Florence Bayard Lockwood. III. The Recreations of the People—George B. Bartlett. IV. The Justifying Value of a Public Park—F. L. Olmsted. Constitution, Officers and Members of the Association.

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Also by the SECRETARY OF THE ASSOCIATION, CONCORD, MASS.

The death of Professor PEIRCE, Vice-President of the Association, ook place not long after the Saratoga meeting of 1880. He had ıcted as President at the Cincinnati meeting of 1878, and his Adıress in that capacity is printed in the following pages, preceded by a brief sketch of his life and of his connection with our Association. At the first meeting of the Executive Committee after his death, held in Boston October 27, 1880, President WAYLAND in the chair, the following resolutions were adopted and entered on the records of the Association:

Resolved, That the American Social Science Association, in the death of Professor PEIRCE, mourns the loss of a distinguished member, who added to those special gifts and attainments by which he was known to the world, a broad interest in all forms of human knowledge, and all subjects of scientific research, which made him in a peculiar manner the representative of Social Science among those whose function was Education and the general culture of mankind. Coming to our main work late in life, and impelled by his sympathy with all the forward movements of human intelligence, he brought with him and imparted to others that deep religious enthusiasm which is so essential in these universal studies, and which gives to the matured wisdom of age its most attractive aspect.

Resolved, That the official service of Professor Peirce, in guiding and carrying forward the educational work of this Association, has been seasonable and important; and that his death leaves vacant a place in its councils which we shall vainly seek to fill; while his example remains in memory, a cordial encouragement to youth, and a steady light for the experience of age.

BENJAMIN PEIRCE was born at Salem, Mass., April 4, 1809; graduated at Harvard College in 1829; became mathematical tutor there in 1831, university professor in 1833, and Perkins professor of astronomy and mathematics in 1842. He was the first to hold this important professorship, and continued in it till his death, October 5, 1880. In 1867 he succeeded Professor Bache as superintendent of the National Coast Survey, resigning that place in 1874. He was president of the American Association for the Advancement of Science in 1853, was one of the original members of the National Academy of Science, and a member of many

learned Societies in America and Europe. He was not one of the original members of the American Social Science Association when organized in 1865, but he joined it in 1868 or early in 1869, and for three years gave great attention to the Department of Education, of which he was chairman from 1869 to 1872. At the time, in 1872–3, when the practical discontinuance of the Association was favored by many members, by reason of the difficulties attending its work, Professor Peirce was one of those who most earnestly urged its continuance; and it was mainly owing to his remarks and those of Professor Agassiz, at one or two public meetings in Boston, that the Association remained in activity during the years of panic and political change that followed the reëlection of General Grant in 1872. He supported the course taken by the Association in 1874, in favor of "honest money," and in that year, for the first time, read a Paper at our General Meeting in New York. He took an active part in the interesting General Meetings held at Detroit in 1875, at Saratoga in 1876–7, and finally, at Cincinnati in 1878, on which occasion he presided and made the address here printed. He also joined in the debates, particularly of the educational section, and was foremost in all the work of that year.

Toward the end of 1878 he brought forward in the Council a comprehensive plan for connecting our Association with a great university,—a plan for which the time was not then ripe, but which is likely, in some form, to be adopted hereafter, and to add materially to the opportunities of university culture in America. This was a subject on which he thought and felt profoundly, and which also much occupied the mind of Agassiz in his later years. The discussions of our Department of Education in 1869–70, show how the organization of American universities was viewed by these two men of genius and of wide observation. At the meeting of June, 1870, Prof. Agassiz said:

"Our American schools and colleges are close corporations; nobody enters as teacher without being called. That is the beginning of troubles. They should rather be arenas where every one who has something to say, is welcome. Let him only prove his qualification to say something and he should be heard."

Prof. Peirce said:

"Our colleges and universities are somewhat modified by defects in the national character which this Association might do much to

correct, by presenting the subject properly. In France and Germany there is little class-feeling; in England there is much of it, and we have borrowed it from England, to our harm. Our object has been to give instruction of an exclusive character to our privileged classes, so far as we have any,—instead of so meeting the wants of the people that they would flock to our institutions of learning, as they did in the Middle Ages to the universities of Europe. This Association might do much good by comparing the methods of instruction in the various schools and colleges; doing this, of course, in no narrow spirit, but for the sake of raising the standard, and bringing all up higher."

Professor Peirce's conception of the American Social Science Association was this,—that it should be a *university for the people*, —combining those who can contribute anything original in social science into a temporary academical senate, to meet for some weeks in a given place and debate questions with each other, as well as to give out information for the public. In this line of thought he favored, also, the establishment of the Concord School of Philosophy, to do a similar work in the speculative studies; and he lived to see the partial realization of what he foresaw in this instance. He was ready at all times, while strength lasted, to coöperate in such enterprises for the intellectual and spiritual good of mankind; and this Association owes him much for such cordial coöperation and for wise counsel most modestly given. He declined to hold the titular office of President which was tendered him in 1878, but performed its duties at that time, as he had before performed all the humbler duties assigned him. How nobly he thought of our work his Cincinnati Address will fully show. May this Association deserve and inherit what he has predicted for its future!

F. B. S.

Concord, October 27, 1880.

THE NATIONAL IMPORTANCE OF SOCIAL SCIENCE IN THE UNITED STATES.

AN ADDRESS DELIVERED BY PROF. BENJAMIN PEIRCE, ACTING PRESIDENT,

At the opening of the Session of the American Social Science Association, at Cincinnati, May 18, 1878.

Men of the mighty basin of the Mississippi, we do not come here to flatter you. We have too much affection for you, too much respect for you, too strong a mutual dependence, too indissoluble a future for flattery. Brothers do not flatter brothers. Their true province is to stimulate and emulate each other in patriotism and in the virtues which can fill this vast country with material prosperity and an intellectual grandeur worthy its continental dimensions, worthy the centuries of delay through which it was reserved for civilization, worthy of the blood of its martyrs. There was a time when the whole earth was of one speech, and the children of men conspired to build, in a great plain, a tower reaching unto heaven, seeking thereby to escape the laws of earthly confusion. The tower was strong, but the people fell apart, and their union was broken in pieces by the laws they could not escape. The tower remained a wonder of the world and a monument to distant ages of their senseless ambition. The plain was not in the valley of the Mississippi, the tower was not the Constitution of the United States, but nevertheless the lesson is eternal: it endures for all time and all peoples. God's laws of human progress are more indelibly engraved upon each man's nature than were those of the great lawgiver upon the tablets of stone. They cannot be ground out by despotism, nor burned out by communism, nor voted out by the ballot-box. Violate them, and they dash to atoms you and all your idols; obey them, and they become your ministering angels, filling your barns with abundance, your homes with comfort and beauty in every form, your streets with safety, and your institutions with honest and efficient service.

A wise nation will carefully study the secrets of the old lantern of history, rubbing it on this side and on that, until all the genii which are submissive to it are compelled into full harmonious activity. This is to learn from experience, and through the wisdom of the ancients to annihilate the glittering and plausible counterfeits of generality. It is this severe study which it is one of the chief

objects of our Society to promote. The harvest truly is plenty and the laborers are few; but we come in the faith that there are thoughtful minds here, who will be tempted forth from their seclusion and strengthen our ranks. This wonderful territory must be filled with new forms of social organization, and a great variety of experiment must consciously or unconsciously be under trial. There is almost as great a necessity for a social exploration now as there was for a geographical exploration a century ago, when this large and beautiful city was not even a village.

Whoever may know of a successful social experiment would do well to study the principle which gave the success, and communicate it here for discussion and comparative analysis and classification. And wherever there may be an unsuccessful experiment, let the causes of failure be investigated, so that the signal of danger may be displayed. Just as the coast survey of the United States, with a quiet industry which is the surest indication of well-applied labor, searches the whole length of our sea-coast, and constructs charts showing where the safe path lies and where the dangerous rock is concealed, thereby securing the safety of two thousand millions of property and of the multitudes of sailors which are annually afloat,—they are our sailors, but it is chiefly your property,—so the province of this Society is, not to gratify personal ambition, but thoughtfully and conscientiously to survey and mark out the safe channels for society to navigate, and buoy out the dangers which may be hidden from superficial observation. This unassuming and unambitious work will not tempt the seeker of popular votes, but it cannot fail to inspire the generous heart and enlarged nature of your bravest souls. It is to them we address ourselves: they are the legitimate product of a soil destined for the thrifty growth of a mighty republic; such are the men under whose guidance the ship of state shall make progress against the storms of controversy and amid the calms of prosperity.

Our Society is still in its childhood. It is hardly out of the hands of its nurse. It would have died of the diseases incident to infancy if it had not been for the clear heads which foresaw the promise of its maturity and the strong hearts which had an abiding faith that it would realize its promise. There is one preëminently, who devoted his whole self to the cause; money and health were lavished by him in its service, and all his friends were invoked to contribute financially or intellectually as they best might. In our hours of

darkness, his persevering nature cheered us, and discord could not invade our meeting. His intense application overpowered his strength, so that he is not with us today. But, thank Heaven, our anxiety is over; he will soon be with us again, and reap a well-deserved harvest from the seed which he has sown.

There is another member of our Association gone, whom we shall never see again in the body. But the spiritual influence of Professor Joseph Henry can never die. The grandeur, generosity, and loveliness of his nature conspired with his knowledge and wisdom to place him at the head of the science of our country. Unsurpassed in the profoundness and originality of his conceptions, he had no rival in his lucid exposition of abstruse scientific doctrine. In directness and simplicity of thought, in purity and dignity of character, in ceaseless devotion to truth, and sympathetic love of humanity, in submission to duty, and in reverence for religion, he was the worthiest and noblest model for the youth of America.

Hitherto there has been no serious discord in our ranks, and only a minimum of acrimonious discussion. But this harmony cannot be expected to endure. There must arise violent collisions of opinion and heated controversy. Strong-souled men will not yield up the offspring of their brains without vigorous resistance. Hard blows will be given, but truth will be elicited. When the meteor strikes the sun and is absorbed into it, the solar heat is increased and the planets enjoy the benefit of the augmented nutriment and stimulus. The blindness and rashness of passion are to be deprecated, but bitter and violent discussions, bred of obstinate belief and keen wit, laden as they often are with new ideas and original suggestions, are infinitely preferable to the unfruitful stagnation of indifference.

The endless diversity of the bonds by which society is bound, corresponds to the exhaustless extent of subject, of which this Society may take cognizance. The relations of labor and capital, of money and trade, of supply and demand, of production and consumption, of law and justice, of administration and legislation, of public and private service, of crime and police, of health and disease, of poverty and charity, of education and knowledge, of science and art, of the railway and the post-office, of the lecture and the theatre, of poetry and patriotism, of honesty and policy, of morality and religion, and all other conditions of social welfare may be considered here, and submitted to free and untrammelled

investigation. Regardless of individual, as well as popular prejudice, we make truth our only aim. We search the secrets of the nation's good in the depths of experience, and our end is reached when we have ascertained the inviolable laws of human nature. Each problem solved, new and grander problems start up. A head of the hydra cut off, two new heads take its place; and we can predict that, if the end does not come till all social doubts are solved, man's world will last forever. Is not this eternity of inquiry the proper correlative of the immortality of the soul? Is not the one a consequence and a proof of the other?

The present period of commercial depression is eminently opportune for the consideration of the many financial and material questions. Now is the time to ask what may have been the errors of the past, and what reforms should be made for the future. With the return of prosperity, the multitude may, and will easily forget the resolutions of today; but some robust masters of finance will stand firm, and the next wave of the earthquake will be less harmful.

Especially, there is the question of labor and capital, — father and son. Nowhere is the old adage so true, it is a wise child that knoweth its own father; and, equally just, it is a wise father that knoweth his own child. Nevertheless, there are politicians of such malicious composition as to find interest in stirring up strife between this father and this son, and who play the ignorance of the one against the timidity of the other. How long must this continue? Just so long as mutual misunderstanding shall be possible, and serve the purpose of the unscrupulous agitator. Here may we especially hope to be of immediate service. Confidence in the result of our investigations, which is legitimately due to faithful and impartial discussion, will penetrate the whole people, as surely as the sun fills the air with light. Injudicious legislation and ill-advised combinations may cloud the sky for a time; but the mists will, ere long, be blown away before the breath of honest speech. In the mean time, let the monopoly of the ring and the academy be relaxed; it is an evil genius, however it may be clothed. The tyranny which drives off labor or capital, or intellect seeking employment, and stays the increase of wealth and knowledge, is a dastardly enemy of the race, whether its name be despot or legion. The laborer should not be impeded in his discussions, but rather stimulated to them. He cannot long avoid the conclusions which

have been reached by the most intelligent working-men's societies of France and England, that the laborer's most pernicious impediment is his own strike, and that any attempt to force capital into unwise investments and wasteful expenditure cannot serve the public interest any more than will the grinding down of the poor be of use to capital.

Next come the questions of taxation. Much money is needed for the support of government. Where shall it be raised, in the North or the South, in the East or the West? This opportunity for stimulating geographical jealousies, against which the people was so earnestly, lovingly, and wisely warned in the great and solemn Farewell Address, cannot fail to be improved by the wily politician, whose love of country is subordinate to the love of office; but we hope and believe that the day of any fatal reaction is far removed. The inevitable lesson of the "irrepressible conflict" is too recent for a renewal of a destructive civil dissension. Let the far-seeing philosopher live where he may, the story of the map is the same everywhere. This immense basin, extending from the great lakes to the great gulf, is the true North America: it is one and indivisible. The great Father of Waters holds all his children together in the hollow of his hand. Mississippi and Louisiana do not own the mouth of the river by a clearer claim than do Minnesota, Wisconsin and Ohio; Missouri and Arkansas, Tennessee and Kentucky, have no more valid title to the paternal inheritance than have Nebraska and Iowa, or Illinois and Indiana. Our seacoast States on the Atlantic and Pacific Oceans, are the fringe of the country, inseparable from it on either side, essential to its internal organization, and to your intercourse with foreign nations, while they are dependent upon you for that golden, everlasting chain of trade which binds all together in perpetual union.

And again, shall the taxes be gathered from the hoards of the rich, or shall they be extorted from the pittance of the multitude? In whatever way we may divide them, we cannot evade the condition that they are part of the cost of production, which must be paid by the consumer. It is, however, certain that there is a wise and an unwise method of apportioning taxation, and that it is subject to principles which the law-giver cannot modify, and which have been clearly expressed in the "Principia of the Wealth of Nations." The profound financiers and statesmen — Pitt, Turgot, Cavour, Bismarck, and Hamilton — have, in their respective coun-

tries, illustrated the importance of the judicious apportionment of taxation. They have not arrayed themselves against the laws of trade, but have studied with all the force of their strong intellects to understand and obey them. If we refuse to follow these grand examples, and intrust the care of the channels of commerce to flattering demagogues and mercantile idiots, we shall go back into financial barbarism. There is but one remedy for the danger. The voters must be enlightened. The natural source of the light should be sought in the halls of legislation; but experience has shown that our legislators are timid to expose the errors of those upon whom they depend for reëlection, and too prone to regard themselves, not as the judges of right and of the universal good, but as the hired advocates of the cause intrusted to them by their constituents. It is, then, the constituents to whom the argument must be addressed. We, too, are constituents, and our individual welfare cannot be separated from that of the country. The success of the argument, however sound it may be, must depend upon the patriotism and intelligence of those who are to profit by it.

This brings us to the subject of education. The forces of a nation, whether material or intellectual, which are not used, are a loss; and those which are misused are worse than a loss. The material resources of the world must be carefully studied, that they may become serviceable. Lord Bacon's maxim, "Knowledge for the sake of power," is the statesman's appropriate adage. The intellectual resources of the human mind, on the contrary, become power by education and cultivation. Their surest strength is spiritual; so that "knowledge, for its own sake," is the higher maxim of a more generous philosophy. Let no man be wasted! is the rightful demand of society; and the form of education which most nearly accomplishes this result is the most desirable for our Republic. Universal suffrage involves the obligation of universal education; and society must preserve itself against ignorance, which is the mother of crime, as resolutely as against crime itself. There is a certain minimum of education which society must not only offer to its members, but which it must insist upon their accepting, simply for its own preservation. There is also a maximum to which public demand should be restricted, and beyond which it is the part of judicious economy to leave the provision to individual competence and private munificence. The limits are not easy to define, and will vary with the varying circumstances of the

community, however distinctly and precisely the general principles may be marked out, here or elsewhere.

I believe that, almost all over our country, the limits on either side have been widely overstepped, in the education given by our public schools. Where do we find the great body of the voters properly instructed, not merely as to legislation which shall be useful to themselves, but in respect to the legislators in whom they should place their trust? The schools in which the common sense and capacity of observation and discreet judgment, natural to all men, are educated and nurtured, where are they? Our boys are not taught to be contented with the position in life for which they are best fitted, and to understand that self-respect is nobler than applause and admiration, but urged to aspire to some eminence which only a few can reach, and where still fewer can maintain an honest and steady balance. The White House, at Washington, is the castle in the air which the ingenuous youth is stimulated to make his aim, instead of building up a fabric of sound principle, founded upon the rock of integrity. The views of life are foolishly and even shamefully perverted. The greatness of simplicity of purpose and rectitude of conduct is scarcely recognized; and success is the standard of life. A philosopher once said, that it was greater to be known as the best shoemaker in London than to be heir to the crown. The schools should teach the children that their first duty and highest privilege is to become good citizens; and a good citizen, be he cobbler or manufacturer, tailor or senator, upholsterer or cabinet officer, will never condescend to become an incompetent or unworthy president of the United States. Were all the boys and girls to leave school fully imbued with this knowledge, the Republic would be safe; the political firmament would be sustained upon shoulders firmer than those of Atlas, and its stars would shine with ever-increasing number and brilliancy. The heart of the nation would be vigorous and contented, the tax-payers would no longer groan over the money paid from the public purse for the luxury of education. All would strive to improve the opportunities of life for individual development; and each man would be strong, to the full measure of his capacity. The country would be great and prosperous, and rich in material and intellectual wealth.

To accomplish this result, we must not grudge, on the one hand, the cutting off of injudicious topics for popular teaching; nor, on

the other hand, the granting a sufficient compensation and the requisite confidence to the teachers who remain. There seems to be no sufficient reason for introducing into public education the rudiments which belong exclusively to a collegiate course. Could there be more injustice and agrarianism in taking the money directly from property, and giving it to pupils for their expenses in academy and college? On the other hand, the teachers to whom is intrusted the training of our sons and daughters — the nation's richest jewels — must be worthy the solemn trust. There can be no more judicious expenditure than the compensation necessary to secure the ablest engineers for the building up of the nation of the next generation. It was a glorious example, set by the Empire State, to give the erection of its magnificent palace of legislation to an architectural engineer, who is a master of his art, and overflowing with great and original ideas. Every State will find a similar economy in not stinting the reward offered to deserving and experienced teachers. Let them, too, be masters of their art; and, when they are secured, let them not be trammelled by self-sufficient committeemen, and a demand for foolish exhibitions of intellectual gymnastics, but grant them full scope to apply their lessons of profound observation. The questions which are here involved are many and intricate; and will require, as they deserve, long and elaborate discussion. But above them all stands the sovereign truth, that the real strength and grandeur of a people consist in its spiritual power.

The spiritual power of a nation is manifest, in its first and lowest form, in its intellectual control of the physical forces of nature, and their subjection to human service. The time is past when the substitution of machinery for man's work excited the jealousy of the working classes. They have learned that machinery is their especial servant, and that it has rendered possible a universal thrift and freedom from want. The most fruitful inventors of today are said to be workmen themselves, who have been stimulated to useful thought and intellectual production. When we contemplate the material work of the world ten times ten redoubled by the harnessing the tall giants of electricity and the ponderous leviathans of steam, we are led to fear that nature is exhausted, and no store of power is hidden for future exploration. On the contrary, when we open the volumes of science, and strive to compute the unused power lying on all sides of us, we feel that the inheritance to which man is born is as inexhaustible as creation. The water used upon

the mill-wheel descended from the clouds; and of the whole force of this great descent not one-fiftieth part is in the fall of the river and consumed by the mill. While, of the whole aggregate of the force which came from the sun, and is stowed in the cloud, the portion which is used is as a drop to the river which flows by this city. But of the remaining heat of the sun, which is deposited in the winds and the waves, and of all that which is daily radiated into space, and of all the heat concentrated in the bowels of the earth, the consumption is inappreciable. This immense unused force is not wasted. It is the intended stimulus to human invention. When the cost of our coal becomes excessive, the internal heat which lies concealed under every city may be brought to the surface and rendered available. Old as I am, I may live to see the ship driven over the ocean by the power of the waves. Such great good placed before the imagination of men who have the heart to search and the faith that they shall find is essential to the divine plan. It is part of the system by which the history and the laws of the development of the physical world have been written, for man's reading, upon the structure of the sidereal universe, upon the harmonies of the solar system and upon the rocks of the earth.

The second and the appropriate form of the spiritual power of a nation is purely spiritual, and as far superior to the first form as spirit transcends matter. Rome was almost from its foundation an unsurpassed centre of power. Among her early conquests, there are two which are strikingly contrasted, — Greece and Carthage. The population of either of these States was inferior to that of Ohio. Greece was productive, as no other country has ever been, of poets and philosophers. Her literature was more powerful than her armies, and has ruled the civilized world through the ages. Carthage sent her victorious army over the impassable Alps to the walls of Rome; but all that now remains of her is the heap of stones over which Marius meditated, and under which lie the bones of no poet or philosopher. Carthage is dead: Greece can never die.

What is to be our future? Is it to be, like the heaven of the Koran, a return to Eden, — the abode of mere luxurious enjoyment? Did the Declaration of Independence mean that we would live peacefully, and die in material prosperity, unfruitful of intellectual greatness? Such an imbecile and degraded termination were worse than the death of Carthage. The destiny of our country is often in the mouth of the orator. What is destiny? It is the future foretold by the past; it is the development of the past; it

is the inevitable consequence of the laws of progress; it is the necessary sequel of antecedent history. But, inevitable though it be, destiny though it be, it must be accomplished by human means; and it would fail if man could cease to strive. It may be delayed by ignorance and weakness and wrong-doing; and it may be hastened by increase of knowledge, and strong effort to aid nature in the fulfilment of the divine intention. In the study of our past history is embodied the knowledge of our strength. More than fourteen centuries ago was commenced in Germany the social organization which has substantially descended to this nation. It passed over into England, where it produced skilful farmers, wealthy manufacturers, robust workmen and soldiers; where it produced able scholars, powerful generals, learned monarchs, and poets and philosophers greater than monarchs; where it especially produced the most sublime lovers of freedom that the world ever saw, — from the days of Magna Charta to those of Hampden and Milton, — and where it also produced a strong oligarchy. Of all political forms of organization, oligarchies are unquestionably the most vast and enduring. But an oligarchy is the constitutional enemy of liberty, and hence the free blood of England — some of her best blood — was driven hither to found a New England in the New World. Hitherto we have been occupied in our material development, in spreading over the land, in weaning ourselves from the mother-country, and in ridding ourselves of evils inherited from her. We have been testing each other's strength and value as brothers and partners in an indivisible inheritance. We are now ripe for undertaking the higher task in our intellectual and spiritual development, preparing the way for our own Bacon and Newton and Shakespeare. These we shall surely have, or our history is a false record.

The third and highest form of spiritual power is moral and religious. Tomorrow we may learn, from a more competent guide, the way which leads to the development of this power. Give me leave simply to state my belief that the only solid basis for an enduring republic is the Rock of Ages. Any other foundation is unstable and insecure as the sands of the seashore. Let the tower be built in obedience to God's laws, and it will reach unto heaven; the children of men will reunite in permanent harmony; science and religion will coincide; and the one universal speech will be God's word written on the sun, moon, and stars, on the solid earth itself, and in the Gospel.

OPENING ADDRESS AT SARATOGA, SEPTEMBER 7, 1880.

BY D. C. GILMAN, LL. D., PRESIDENT OF THE ASSOCIATION.

[Abstract furnished by President GILMAN.]

The subject of this Address was, "The Purposes of THE AMERICAN SOCIAL SCIENCE ASSOCIATION, and the Means that may be Employed to Promote these Ends." After a brief welcome to the members of the Society, attention was called to the recent changes which have been made in its organization, of which the most noteworthy is the combination of the Annual and General Meetings, so that the interest and responsibility of the members are concentrated upon one general assembly, to be held every summer. The thanks of the Society were said to be due to the Boston members who have so long borne the principal burden of the management.

The Address next paid a tribute of respect to two eminent workers in social science whose deaths have occurred within the year that is past, Dr. BARNAS SEARS, the agent of the Peabody Education Fund, and Dr. E. C. WINES, the student of Prison Discipline. Both were men of broad views, varied experience and great usefulness.

Reference was made to some of the contributions to the literature of social science which have been made by our countrymen within the year. Among the books which were mentioned, Mr. D. B. Eaton's "Civil Service Reform" received high praise. Edward Atkinson's pamphlets on the "Cotton Trade" and on the "American Railroad in British Politics," and his chart comparing the area of the several United States with the chief European states, were highly commended. The work of Dr. Wines on Prison Reform, of President Woolsey on "Socialism and Communism," of Henry George on "Poverty and Progress," the tracts of the Bureau of Education, including Mr. Smart's Paper on "The Best System of Schools for a State," and other recent publications, were also spoken of.

After these introductory paragraphs, the Address took up the purpose of the Association, and gave emphasis to the point that it is not a society for the promotion of reform, nor an assembly whose object is charity; but its object is the promotion of science, the ascertainment of principles and laws. To those who say there is no social science, the answer is there soon will be, for some of the ablest intellects in the world are now applying to the study of social phenomena, the same industry in collecting facts, the same patience weighing them, the same methods of analysis and synthesis which have been employed with effect in geology, zoology and biol-

ogy, in anthropology, ethnology and psychology. To those who say that social science can never be complete, the answer is that no science is complete. Even mathematics, the oldest and most exact of all, is constantly progressing. It loses nothing which it has gained, but each new discovery becomes a stepping stone to something beyond. The methods by which other sciences have grown were rehearsed, and the students of social science were urged to the careful ascertainment of facts by experiment and observation, and then to reflection upon these facts, until laws were discovered from which, again, rules and methods of management might safely be deduced.

The aim of this Association was declared to be a study of the conditions which tend to make a perfect state of society where "each is for all and all is for each," and the discovery of those laws of coöperation which will secure to every individual his highest development. It is obvious that the inquiry is very complex, and will never be completely answered. Surely, this great problem must be much sub-divided before any progress is made in its solution. To begin with, all those subjects which pertain to the physical well-being of the community must be considered, and this includes not merely sanitary regulations, as they are commonly understood, but the freedom to exchange the products of one region for that of another. Next, morality or social order deserves consideration — the conditions of society which are favorable to temperance, chastity, honesty, frugality, industry, and quiet. Intellectual culture and the study of all the agencies which promote mental power next demand attention — our systems of education, direct and indirect, high and low. Finance comes next. Though the sanitary, the moral and the pedagogical laws are understood, if the finances of a community are crooked, nothing will go straight. The currency is the route on which we all travel, and if that leads down a chasm, down go we all, though the rails be plated with silver. Sound legislation based upon wise jurisprudence must also be secured, and with good written laws must come good customs and usages.

It is a wide field, we must acknowledge, which the Association aims to cultivate, but if ever it shall be subdued it will be an earthly paradise — an enchanted ground.

The means which this Association may employ were next considered.

1. It must organize plans of investigation and research. Reports

on the progress of different departments, with reviews of the recent literature, were recommended, and in order to insure their careful preparation a small appropriation from the treasury was suggested. We all know that an immense number of papers are issued every year by States, towns, institutions and societies of every name; but they drop like autumn leaves, nurturing only the soil around the trunk from which they fall. They are not for sale; they are not reviewed in any journal; they are not methodically distributed. If, now, some one should be employed by the Society, in each chief department, to collect the literature and report upon it, a service of great value would be performed. Besides these reports, the Association may well, to a much greater extent than hitherto, initiate inquiries,—proposing themes, appointing or inviting investigations, and providing money for the prosecution of the research.

2. The chief function in our day of every scientific society of high rank is publication, and particularly the publication of memoirs so elaborate or recondite that they will not find their way into ordinary journals. Readable articles can always find a place, but we need to publish articles which are not popular, but learned — permanent contributions to the progress of science.

3. In the meetings of the Association an effort should be made to promote discussions. They may run to extremes, and be diffuse or bitter; but, with a good moderator, their bad tendencies are readily checked and their good influences are made apparent. Prominence must also be given to the advantages of free informal conversation among the members of this Society.

4. The suggestion was made that, in addition to the sections now organized, it might be well to constitute a historical group. Sociology is based upon history. Without a knowledge of the antecedents of our existing laws and institutions, without some familiarity with the processes by which civilization has emerged from barbarism, we cannot prognosticate the future. It would be well if we could bring to our annual meetings those who are devoted to the historic study of social institutions.

5. The formation of local institutions for the promotion of social science was commended, and examples were mentioned of several such which are now doing good work.

The Address concluded with a rehearsal of many important facts illustrating the condition of American society in 1880, and with words of encouragement to those who are working in the solution of social problems.

REPORTS AND PAPERS

OF THE

SARATOGA MEETING OF 1880.

REPORT OF THE GENERAL SECRETARY, F. B. SANBORN, OF CONCORD.

(Read Wednesday, Sept. 8, 1880.)

Mr. President, and Members of the Association: — The full and practical statement made by President Gilman in his Opening Address last evening, concerning the aims, methods, and hopes of our American Social Science Association, relieves me from a duty I have more than once undertaken, and from which, a year ago, I fancied myself permanently excused. But your wish, as then expressed, controlled my action in the matter, and so you see me here again in the harness, but with lightened load, and with generous coöperation from those more competent than any one person can be, to carry forward the work undertaken. It falls to me, therefore, to present this year a brief report of business, with such incidental mention of other matters as may properly be made.

The change in our Association's working plan which was commenced at the Saratoga Meeting of 1879, and put in force at the Annual Meeting of last January, in Boston, remains to be completed by you at this General Meeting, which will be the first of the Annual Meetings for the combination of routine business, and the general doctrinary work of our Association. It was found difficult, as our membership became more widely distributed over the country, to hold two General Meetings a year; and it was also thought unnecessary to keep up the monthly meetings of our Council, and the special office used for that purpose in Boston. Accordingly, by the amendments to the Constitution adopted last January, and printed in Nos. X. and XI. of the Journal of Social Science, the election of officers is appointed in connection with the General Meeting for Papers and Debates in each year, and will, therefore,

take place in this hall tomorrow evening at 8 o'clock. Our custom has been to appoint a nominating committee which reports a list of names for confirmation, modification or rejection, by the Meeting; and I trust that such a committee will be chosen at this morning session. The number of Directors has been diminished, and that of Vice-presidents increased by the amended Constitution, and the Vice-presidents, being honorary officers, are excused from serving in the Council, which is hereafter to consist of not more than twenty-three nor less than thirteen members. This Council will meet quarterly, in different cities, in September, December, March, and June of each year; and it is proposed that volunteer Papers contributed to the Association shall be read at these quarterly meetings of the Council. An Executive Committee of eight, consisting of the President, Secretary, and Treasurer, and the five Department Secretaries, will meet when required during the intervals of the Council meetings, and do whatever work may be necessary. In this way it is expected that the duties of the organization can be done at less expense and more satisfactorily than under the old arrangement.

Another change has accomplished itself in the past year, — the final separation of the Conference of Charities from its parent organization, and its complete establishment as an American institution with a past and a future of its own. This Conference first met with us at New York in 1874, and for the last time at Cincinnati in 1878. Since then it has met by itself, at Chicago in 1879, and this year at Cleveland, — on which occasion sixteen States and the Dominion of Canada were represented, and the Papers and Debates were enough to fill 400 pages of our Journal. They have been printed, and will be distributed in course of this month to the members of our Association as well as to those who took part, personally or by delegates, in the Conference. It will be found that no such body of essays, no such mass of information on charitable and correctional topics, has ever before been presented to the American people. Next year this Conference will meet for a week's session at Boston, when twenty, and perhaps thirty, States will probably take part in it, and the good work of the last two years will be farther extended. Though on some grounds we must regret the friendly departure of this child of ours from the paternal home, yet we must acknowledge that it has thriven by the separation, and must rejoice in its success.

Among our members deceased, since we last met in Saratoga, were two who had taken a special interest in the National Conference of Charities, as well as in our own Association, — Mrs. Parkman, of Boston, and Mr. James B. Congdon, of New Bedford. Of the former, commemoration was made at the Boston Meeting last January; Mr. Congdon has since died. His long connection with us calls for some mention from your Secretary, to whom also he was an ancient an esteemed friend. He was a Friend, too, in his religious connection, — belonging to that affectionate and exemplary Society, in whom philanthropy has been embodied, collectively and individually, ever since the days of William Penn and George Fox. During the greater part of his long life he fulfilled important trusts in his own community, and was faithful to all he undertook, whether of property, of philanthropy, or of friendship. He was eyes to the blind, feet to the lame, hearing to the deaf, comfort to the poor — and, in that phrase which to the Hebrew poet was the climax of praise where the humble and the neglected are in question — "*The cause which he knew not he searched out.*" Fortunate is the Society that can reckon such men among its less conspicuous members! Their life may cease, but its blessings continue; and their memory is a fragrance even when they seem to be forgotten.

> Only the actions of the just
> Smell sweet and blossom in the dust.

As the places of our ancient members are made vacant by death, we must look to it that others come forward to make them good; and it is now especially fitting that we should give vigor to the new organization by the active enrolment of new members. It is desirable also that the Publication Fund of 1880, for which we already have guarantees to the amount of four or five hundred dollars, should be increased to $1,000, which will be enough to pay for the printing of all our Papers of this year, including the 400 pages of Conference of Charities Proceedings, now in press. Those who are not members of our Association may obtain this volume by subscription, upon terms set forth in this circular, which will be distributed among the audience at our meetings. Subscriptions to the Publication Fund will be taken by Dr. Channing, the Assistant Secretary, while the regular membership fees will be received by our Assistant Treasurer, Mr. Howe, of Saratoga.

By the moderate and public-spirited proposition of one of our directors, who has devoted much time to investigating the serious

question of food adulteration (Mr. George T. Angell), a small special publication fund is likely to be placed in the hands of our Association for use during the current year. This proposition, which is now before you to be accepted or declined, is as follows, and I read it here, in advance of the debate this evening, because it has been for some time in my hands:

"Whereas, some chemists and writers have asserted that there is now a large sale, in American markets, of poisonous and dangerously adulterated foods, and other poisonous and dangerously adulterated articles; and whereas, other chemists and writers deny these assertions; and whereas public health, public morals and large amounts of capital are interested in the right solution of this question; and whereas, it is essential to its right solution that both sides be fairly heard; therefore, I make the following proposition to the American Social Science Association, viz.: I will put into the hands of its Treasurer or General Secretary either $50 or $100, whichever sum may be required, provided any chemist or other person in the United States will do the same; said sums to be expended as follows: Such chemist or other person shall prepare, or cause to be prepared, an essay showing there is little danger to public health from the above cause, and giving proofs. I will then prepare, or cause to be prepared, an essay of similar length, showing there is great danger to public health from said cause, and giving proofs. The two shall be published by the Association, in one pamphlet, and sent to all leading newspapers of the country for such use as they shall deem judicious."

To those who know Mr. Angell it is unnecessary to say that he is a philanthropist of great activity, who has turned aside from successful professional labors at the bar, to devote himself in more than one disinterested cause, and in his own energetic way, to the public good. In none of his actions, as it seems to me, has he deserved more thanks than in the efforts he has made, amidst much opposition and abuse, to awaken the public from a false sense of security in regard to the articles of food and other daily use, which, in the ingenious manipulations, the unscrupulous competitions and the scientific corruption of the present age, have been fraudulently, and often hurtfully adulterated. That he has sometimes been mistaken was but natural, yet, for every erroneous designation of fraud affixed by him to innocent articles of commerce, it is safe to say that ten other frauds have escaped even his penetrating search. The American people have never been charged with dense stupidity, and they are not likely to consider any man as an enemy who seeks, at his own expense and risk, to guard their stomachs and their pockets from harm in the matter of adulterations. They remember the Dutch justice, whose court,—somewhere in this vicinity, perhaps—pronounced astute sentence as follows: "Three witnesses swear they saw the defendant steal the horse, and four witnesses swear they did n't see him steal it. The weight of evidence is in

his favor, and he is discharged." I doubt if our countrymen, as a court of appeal, would allow such a decision to stand.

It only remains for me to submit a Paper on an important question which has been sent to us by one of our most distinguished members, Mr. Charles L. Brace, of New York, but which there will be no time to read in full; and such other communications as have come into my hands, among them a letter from our corresponding member, Madame Dora d'Istria, now in America. I need not call attention to the value and importance of the Papers, and the debates of the present meeting, the programme for which I laid before you last night, in behalf of the Executive Committee. Three of our departments, those of Education, Jurisprudence and Social Economy, are fully represented; that of Health has some representation, though less than we had planned, while the Finance Department, in its unorganized condition, has presented no Papers at all. Next year, it shall be our effort to secure Papers from all the departments, and also from that new section proposed by Dr. Gilman, the section of Historic Development, which might either include our present Department of Jurisprudence, or be included in it. The jurisprudence of a nation is one formation or accretion in its historic progress of centuries; and, were our present statutes and procedure to be divided among the subjects of Education, Health, Finance, and Social Economy, where they respectively belong,—the frame-work of our fifth department might be left for the use of these investigators of sociology from the historical standpoint. This is thrown out as a suggestion, merely, and some better way can perhaps be found to accomplish what our President has in mind.

STATEMENT OF THE TREASURER AND OF THE PUBLICATION COMMITTEE.

At the Annual Meeting in Boston the Treasurer, as required by his office, submitted a report for 1879, showing receipts of $1,996.59 and expenses of $1,870.22, with a balance on hand of $126.37. He now submits a statement, including expenses to September 11, 1880, and receipts to September 1, 1880, a period of eight months and upward, — showing receipts in that period of $1,255.64 (including the balance on hand January 1, 1880, of $126.37) and

expenses of $1,174.68, leaving a balance on hand of $80.96, as follows: —

THE AMERICAN SOCIAL SCIENCE ASSOCIATION
IN ACCOUNT WITH HAMILTON A. HILL, *Treasurer.*

1880. *Cr.*

SEPTEMBER 11. By cash received from fees:		
Sundry collections since January 10, . .		$945 00
By cash received from Publication Fund:		
B. Schlesinger, ...	$5 00	
Fred. Frothingham, ...	5 00	
F. B. Thurber, ...	20 00	
J. B. Bissenger, ...	5 00	
George Walker, ...	25 00	
William H. Davis, ...	2 00	
D. C. Gilman, ...	25 00	
F. B. Sanborn, ...	25 00	
		112 00
Sundry sales of periodicals, ...		44 77
By cash received from donations:		
George T. Angell, ...	$10 00	
C. S. Watkins, ...	5 00	
" "	12 50	
		27 50
By cash on hand January 13:		
Balance from old account, ...		126 37
		$1,255 64

1880. *Dr.*

To cash. Publication Fund:		
JUNE 16. To cash paid Rand, Avery & Co., printers, .	$79 80	
" " Tolman & White, . . .	321 40	
" " postages and exp. on Journal,	22 00	
		$423 20
To cash. Salaries to September 11:		
3 months, at $500; 8 months, at $750, . .		625 00
To cash. Office expenses:		
Hall for Boston meeting, postages, stationery, account book, and printing circulars, . .		126 48
To balance to new account:		
Cash in bank, ...		80 96
		$1,255 64

To this Statement of the Treasurer the Publication Committee would add the following in regard to the Special Publication Fund, which in the above Statement is included with the other receipts of the Association. During the year 1879–80, there has been realized

from the subscribers to the Publication Fund of 1879, and from the sale of publications, $774.61, and from the subscribers to the Publication Fund of 1880, $100.00. There has been paid from the fund of 1879, $765.40, and from the fund of 1880, $20.00. There is now due and unpaid of the subscriptions to the fund of 1880, $500.00, and of the subscriptions of 1879, $200.00, which, if all collected, will not be sufficient for the estimated cost of the publications of 1880. This cost is as follows: —

For 500 copies of the Proceedings of the Conference of Charities at Cleveland, ...	$250 00
For 1,000 copies of the Saratoga Papers of 1880, . .	650 00
For postage, etc., ...	75 00
Total, ...	$975 00

This deficit of $275.00 can be made up, if necessary, from the current receipts of the Association, but your Committee deem it better that the Publication Fund should be increased to at least $1,000.00 for 1880, in order to permit the circulation of additional copies of our Papers.

For the Committee.

FRANCIS WAYLAND.
F. B. SANBORN.

SARATOGA, September 9, 1880.

DEPARTMENT OF EDUCATION.

I. PAPERS READ AT SARATOGA, 1880.

REPORT FROM A DEPARTMENT SUB-COMMITTEE ON KINDERGARTENS.

(Read Wednesday, September 8.)

The undersigned, a sub-committee appointed by you at your last annual meeting for the purpose of considering and reporting upon a resolution referred to them, which proposes action on your part looking to the recommendation of the substantial features of what is known as the "Kindergarten System,"—a system of sub-primary or infant schools, founded by Friedrich Froebel,—would respectfully report that they have examined and discussed the several features of the system, and would hereby present the following considerations and conclusions for your adoption, in case they meet with your approval:

1. The kindergarten system, as advocated by the disciples and followers of Friedrich Froebel, attempts to provide a suitable education for children between the ages of three and six years, and even to lay down the method for a still earlier education by the mother, that shall develop the faculties of the infant in such a manner as to give him the readiest command over his organs of sense-perception, and over his body as an instrument for rational purposes.

2. Between the ages of three and six years it is proposed that the child shall be trained in school, for three hours or more daily, in the company of his fellows, by thoroughly competent teachers, to form habits of personal neatness and cleanliness, courtesy and deference toward others, punctuality and regularity; to use proper language; to become familiar with the elements of numbers and geometric form; to acquire skill in the use of hand and eye by daily practice; to develop imagination by symbolic representation in children's games or plays, and self-activity by constant invention in all his exercises.

3. For these purposes Froebel devised a series of appliances or pedagogical apparatus known as "Gifts and Occupations."

Wooden blocks of various geometric forms and subdivisions are used to teach the child how to observe forms and shapes, how to analyze, and how to construct them from elements. In this process he is to acquire the art of counting, adding, subtracting, and such operations. By a skilfully devised series of intermediate steps, the child passes over from lessons in building with blocks to the art of representing shapes on a surface, and learns how to draw. He learns the use of the needle, and embroiders pictures of various objects, plaits and weaves paper and flexible sticks, and finally models various objects in clay or wax.

4. Throughout the Kindergarten there is the most careful attention to the training of skill in the use of the hand and eye, preparing the child for productive industry, but not by tasks and drudgery — rather through the spontaneous activity of the child and with his coöperation as in play.

5. The initiation of the child into the amenities of life, in the art of combining with his fellows so as to aid and not hinder rational purposes, is one of the chief ends of the Kindergarten. It seeks to make the child polite and considerate towards his schoolmates and all others.

6. For the reason that it takes the child when his muscles are not fully formed, and when his senses are not as yet given special directions of development, it is able to achieve greater and more lasting results in the matter of skill in the use of hand and eye than any other education. The child's first activities determine for him in a great measure what muscles shall be used with the most freedom and become the instrument of his will, and what ones shall remain inactive and rudimentary.

7. From the fact that social science seeks to discover the sources of evil in civilization, and the best methods of eradicating those evils, it is interested in any devices that will reach the proletariat and neutralize the seeds of perverseness and crime in their earliest growths. No device promises fairer results in this direction than the Kindergarten. If the children of the vicious and improvident can be trained from the age of three years in Kindergartens, they will be saved for constructive work in our civilization, instead of drifting into our penal institutions.

8. But there is another class of children of still more importance to the public weal, who will be saved for this constructive career, while without the Kindergarten they are left to form a most

dangerous class in society. The children of wealthy and able parents, who have built up fortunes by their great directive powers, are often left to the home training of ignorant or weak servants, by reason of the fact that their parents are absorbed in large enterprises. These children inherit great power of will, and easily exercise control over the less gifted servants with whom they are left in charge. The consequence is that they develop caprice, waste their patrimony, and cost the State large sums to repair their excesses.

This class of children inherit the finest gifts, and yet society loses the wonderful directive power which they might contribute to its welfare, if they were properly trained in early childhood into habits of self-control and industry.

9. The useful functions of the Kindergarten as an educational appliance, are obvious. So much, however, depends upon the proper administration of the system, that its beneficent results may all be lost, unless wisdom and experienced skill endow its teachers and directors. There are matters of economy in administration which determine the question of the adoption of the Kindergarten as a part of the public educational system, or as an instrument of charity.

10. There are physiological and psychological dangers closely attendant upon the work of the Kindergarten, as attempted by unskilful or indiscreet teachers. It is all important that those who make trial of the system shall be forewarned and forearmed against the perversions to which it is liable.

(*a*) There is the danger of too great laxity in its administration; the tyrannical tendency of overbearing children not being sufficiently repressed, but allowed to grow stronger, so that all the pupils take lessons of the perverse ones, in habits of interfering with the work of their fellows.

(*b*) There is the danger of too much repression at this tender age; of a formal, machine-like routine, crushing out the individuality which it ought to cherish and guide into consistency.

(*c*) There is the danger of too much flattery on the part of the teacher, which may cultivate conceit and impertinence on the part of the pupil, — especially the bright and nervous child.

(*d*) There is the danger of over-stimulating the brain in a manner injurious to, and incompatible with child-life. This arises in a measure from the fact that the disposition of the child's time is

made by persons of mature age and strength, who can seldom rightly gauge and estimate the importance of frequent changes and variety of occupations, and the place that absolute idleness and repose holds in the healthy development of all children. As says Margaret Fuller of the forcing process insisted upon by her father in her own education, "Children should not cull the fruits of reflection and observation early, but expand in the sunshine, and let thoughts come to them." The child when left largely to its own resources, often defends itself from a tension of mind at once premature and injurious.

(*e*) There is the danger of over-stimulating the nervous system, by which the digestion sometimes becomes so much weakened as to seriously interfere with the proper nourishment of the child's system, a danger the more perilous, as the teacher is not likely to know of such a result until the family physician or the dispensary doctor is called upon for counsel, when the difficulty has become a serious matter.

(*f*) There is the danger of straining the eyes, a trouble whose symptoms are unknown to the pupil, and often unsuspected by the teacher. The sight of childen, in some instances, has thus been permanently impaired.

(*g*) There is danger from over-ornamentation of the school-room by pictures, flowers, birds and other interesting objects, by which the room becomes to the child's fancy a museum. Distraction and confusion of mind may be thus caused, and the child may become less capable of fixing the attention upon simple and definite objects at a later period of life.

(*h*) There is danger that the child may be kept under the Kindergarten system too long, letting slip the golden moment for beginning the definite acquisition of knowledge in a definite manner.

Those who are instrumental in introducing Froebel's system into this country, should make a careful and close comparative study into the climate, food, social conditions, and peculiarities of race in which the system finds the child in Germany and in this country. Do the teachers of Kindergarten schools consider that Froebel established his schools very nearly in the latitude of southern Labrador; that the climate of Germany the greater part of the year is depressing; that the Teutonic race possesses striking peculiarities; that the Teutonic child is often brought up to drink

coffee and beer; that its imagination is seldom roused by the sight of the people or the products of other countries; that gas is never used at its bedside; that the telegraph and telephone do not penetrate into its dwelling; that the daily newspaper and the reports of the Associated Press are seldom read by its fireside, and that to follow French fashions is the almost exclusive privilege of royalty?

The success of any new system largely depends upon its judicious application, and the more true is this where the material to be used is so excitable, so acute, and so energetic as the average American child. For this reason, and because of our faith in the general principles upon which the Kindergarten is founded, your committee emphasize its possible dangers, and venture to hope that an American Froebel will define and elaborate an American system, wholly adapted to American children.

WILLIAM T. HARRIS.
HENRY BARNARD.
EMILY TALBOT.

II. THE RELATION OF THE PUBLIC LIBRARY TO THE PUBLIC SCHOOLS.

BY S. S. GREEN, OF WORCESTER, MASS.

(Read September 8, 1880.)

It is obviously important to maintain close relations between libraries and educational institutions which are designed for students whose minds are somewhat mature.

A wise college professor encourages and stimulates learners to look at subjects from many points of view, to examine processes by which scholars reach conclusions, and to make investigations themselves. Such methods only are requisite when a period of history is to be studied, opinions regarding questions in political economy or natural history to be considered, an English or classical author to be interpreted, or controverted questions in philosophy or theology to be discussed.

Students in advanced educational institutions, should, therefore, have free access to the best books in all departments of knowledge. They need instructors who, however positive their own opinions may be in regard to controverted questions, and however earnest they may be in uttering these convictions, nevertheless are animated by a broad, unsectarian spirit in teaching. They need, also, books to enable them to pursue their studies in accordance with the views and spirit of such instructors.

At Brown University, it is considered practicable to allow students to go into the alcoves without permission, and take from the shelves such books as they wish to use.

While inspecting, three years ago, the library in the building especially devoted to the study of Natural History, at Oxford University, I noticed that much space was given to collections of books needed by students in their daily work. These books were kept by themselves, and old books were withdrawn from the shelves and new ones added as occasion required. Students had free access to these collections, and were thus kept from the discouragement which young inquirers,—may I not say nearly all inquirers? feel in selecting, with no aid but that afforded by the catalogue of a large library, such books as are needed in somewhat limited researches.

In Harvard College library a large number of the professors

designate works to be set aside, on shelves prepared for the purpose, for the use of students in pursuing courses of instruction given by them; and I learn from its distinguished Librarian that it is his purpose to select from the great collection of books under his charge 30,000 or 40,000 volumes, to be used by students as a working library.

They are to have the privilege of roaming at pleasure through the shelving devoted to this collection, and of rummaging at will among the books. As works become antiquated they will be removed from these shelves, and new ones will be constantly placed upon them.

Additional advantages are within reach where, as in Rochester University, it is the practice of several of the professors to meet students at the library during specified hours, to talk over with them subjects that they are interested in, and assist in the selection of books needed in their investigation and treatment. Where, as in the largest colleges of the country, it is not customary for the professors to meet many of the students, excepting in the class, or lecture-room, there should be a librarian, or competent assistant, whose duty it is to give whatever time is needed in rendering assistance to persons engaged in investigation. Such an officer should be careful not to render the inquirer dependent, and only to remove obstacles enough to make investigation attractive.

The librarian of a college can easily supplant his general knowledge of books with the special bibliographical information had by the professors of the institution.

The student often needs to be referred to sources of information. If, for example, he has to consider one of the applications of science to the arts, arrangements at the library should be such that he will have standard works and monographs pointed out to him, and his attention called to the sets of proceedings and transactions of learned societies, and periodicals which should be consulted by him, with the aid of indices, in seeking for the information he desires.

It is not enough to set aside in a college library collections of books illustrative of the various branches of knowledge. Students need, also, the assistance of accomplished professors, or a well-informed librarian, in making researches. This assistance leads to a more thorough performance of work in hand.

It does more than this, however. Its best results are found in

the knowledge which it gives the inquirer of finding out how to get at information by the use of books, and in the formation in him of the habit of making investigations, and in the acquisition of facility in their conduct.

It may be mentioned incidentally, that where higher educational institutions depend upon public libraries for books, and these are situated at a distance from their buildings, it has proved useful in one instance, at least, to enlist students in the work of making an index of some of the principal sets of transactions which they and the professors have oftenest to consult, to be kept where its use will be convenient to them.

Academies and High Schools need access to well-furnished libraries. Worcester, Massachusetts, is a small city of about 60,000 inhabitants; it has many educational institutions besides its public schools. In addition to the Free Institute of Industrial Science, and the College of the Holy Cross,—institutions which make a constant use of the Public Library, but which, for our present purpose, should be classed with colleges,—it has a State Normal School, an endowed Academy, a Military School, and several smaller schools for young ladies and boys. It has, also, a large High School. Teachers and pupils from all of these schools make a large use of the Public Library every day. Thus the students at the Normal School use it for a variety of purposes. They are required, for example, to choose subjects which they will talk about before the school for a few minutes. They come to the library with subjects selected on which they wish for information; this they get, when they can, from reference books which they are allowed to consult without asking permission. They call, too, for such books as they desire. When, however, as is frequently the case, they do not know what the sources of information are, or which of several books it is well to read or study, they go to the Librarian for assistance, and he points out to them books, pamphlets and articles which contain the material desired by them, in the form they wish. The Librarian, in searching for information, conducts the search, in so far as is possible, in the presence of the inquirer, so as to teach him how to get at information desired.

These pupils are also required to write essays on various topics illustrative of the principles and art of instruction. The Librarian refers them to the writings of such authors as Richter and Rousseau, Locke and Bain, Mann and Spencer; to sets of such periodicals

as Barnard's Journal of Education; to series of volumes containing addresses and accounts of discussions in the annual meetings of the American Institute of Instruction, the National Educational Association, and other bodies; and to reports of the best supervisors and superintendents of schools.

Professor Russell, the Principal of the Normal School, in writing about the connection between the Public Library and this school, last April, made the following statements: "I find, upon inquiry, that during the current school year, beginning last September, not less than 64 per cent. of the students of the State Normal School have had occasion to visit the Public Library to pursue investigations connected with their studies, several reporting upwards of twenty such visits, and this, notwithstanding the fact that the school is situated at a distance from the library, and that we have an excellent, though small working library of our own. The works thus consulted cover a wide range, but are chiefly in the departments of science, history, art, politics, statistics, biography and general literature. So far as our own school is concerned, therefore, we could not, without serious loss, dispense with so valuable an auxiliary in the training of teachers for the public schools. Moreover, I find that our graduates who go away from Worcester to teach, very generally complain of the inconvenience and privation they feel in being cut off from the privileges of the Public Library."

In the High School, some of the teachers, for the purpose of cultivating readiness in expression, and ease in composition, as well as with the object of rendering the knowledge of subjects taught thorough, require scholars to talk and write frequently about subjects suggested by the lessons and lectures, and thus to pursue limited investigations in such branches of knowledge as history, chemistry, English literature, and classical biography and antiquities. It is customary in this school, when questions occur to the teacher that cannot be answered by the use of books at hand, or are asked by scholars, for a teacher or pupil to go to the library before the next session of the school, and by consultation with the librarian, or an assistant, select works containing the answers sought.

An advanced class which is listening to lectures on some of the more important practical topics in political economy, and the science of republican government, will be told to give in writing

the history of the movement for civil service reform, and an account of the arguments brought forward in favor of plans proposed to further it, and in opposition to them, or a description of the proceedings of Congress which led to the formation of the electoral commission, after the last presidential election; or of the arguments used for and against woman suffrage. Another advanced class will be required to write essays on such subjects as fermentation and disinfectants.

Some of the teachers come to the library, and in consultation with the librarian select large numbers of books more or less closely connected with the studies which scholars are at the time pursuing, and recommend them to pupils to read in connection with their lessons or for entertainment. Many of the teachers consult the librarian in regard to books to be used by them in their own preparation for class work.

Some teachers bring classes to the library to see illustrations of the architecture of Greece and Rome, or specimens of early printing and illumination, or examples of the work of great artists. They are received there in a large room furnished with a table and settees, and well heated and lighted.

Mr. Samuel Thurber, the Principal of the High School, wrote in a paper which is dated June 15, 1879, as follows: —

"Pupils of the High School, in common with other citizens of Worcester, are exceptionally favored in their opportunities for reading and investigation in the Free Public Library. That they take advantage of these admirable facilities is evident to any one who sits for an hour in the afternoon with the librarian, and observes the boys and girls of all classes who come with their questions concerning almost all matters in history, science, and literature. The librarian and his assistants must know pretty well what is going on in the school. * * * There is a post-meridian session of the school every day over in Elm street. While the regular teachers are hurrying and worrying with college classes, these afternoon teachers in the other building are patiently having their session, which does not end at any particular time, but only when each questioner is answered or, at least, shown how to find his answer. We do not see why these Elm street folks are not just as much High School teachers as those who congregate each morning in the great building with the tower."

Again, under date of April 5, 1880, Mr. Thurber writes: "As an ally of the high school, the public library is not merely useful—it is absolutely indispensable. By this I mean that without the library our work would have to be radically changed for the worse, and would become little better than mere memorizing of text-books. Our teachers and pupils throng the library, and there acquire the habit of investigation, and of independent, well-grounded opinion on a multitude of subjects of the utmost importance to citizens in a republican State. Without the school, occasion for exploring the library would arise much less frequently; and without the library the desire for knowledge, constantly awakened in the school, would have to go unsatisfied."

The teachers and scholars of the grammar, and some lower grades of schools, may derive great advantages from the use of facilities which it is in the power of public libraries to afford them. Few friends of education seem to have found out, however, that a close connection between public libraries and schools of these grades is practicable, even when they have come to realize that it is desirable. Wishing, therefore, to give a practical turn to this paper, I think that I cannot do better than to write out an account of some efforts in this direction, made in Worcester during the last winter and spring. Four gentlemen, interested in the movement, namely: the Superintendent of the Public Schools; a member of the School Committee, who was also a member of the Board of Directors of the Public Library; the Principal of the Normal School; and the Librarian of the Public Library, came together late in the fall of 1879, for the purpose of considering whether it was desirable and feasible to bring about a considerable use, for school purposes, of the books in the public library by the teachers and pupils of the schools of the seventh, eighth, and ninth grades. These gentlemen agreed that the studies of scholars would be made pleasanter and more profitable were such use to be made of the Public Library.

They thought, also, that in the event of the establishment of a close connection between the library and these grades of schools, much good might be done in guiding the home reading of children at an age when the habits of reading and study are forming. But an obstacle suggested itself at the start, namely, the crowded state of the course of study. This was overcome by deciding to confine the attention, in the beginning, to efforts to secure the benefits

first mentioned; and even in this direction to aim only at the gradual introduction of improved methods. The conclusions reached were that it was advisable to proceed to the immediate use of attractive library books in the study of geography, and that in order to get the additional time needed in carrying the new plan into execution, as well as for the purpose of making the exercise in reading more interesting and useful, the reading of classes should be largely done from carefully selected books of travel instead of from reading-books. The Superintendent of Schools invited the Librarian to lay the plan proposed before the teachers in the grades of schools mentioned above; and when they had been called together he pointed out to them that there were many things that could be done in schools to better advantage than at present, were there a close connection between the library and the schools, offering at the same time to aid them in doing any good work they might wish to undertake, but advising them to try the limited plan which had been agreed upon at the meeting of the gentlemen just mentioned, whether they attempted anything else or not.

The teachers listened in an interested manner, and many of them showed not only readiness, but anxiety to undertake the work it was suggested they should do. The Librarian then invited them to select some country that they would like to have illustrated by means of books belonging to the library. They selected one, and came to the library building the next half-holiday to listen to the promised exposition. The Librarian had before him, say, one hundred volumes, relating to the country in the description of which aid was to be afforded, and pointed out wherein the value of each one consisted to assist teachers and scholars in studying geography. They saw at once that valuable aid could be had from the library in their work of teaching, and the next step taken by the Librarian was to invite them to tell him what countries the children were studying about at that time, and to keep him informed in regard to those they were at work upon at other times, in order that he might help them to pick out works suitable for school use.

Books were at once selected for the immediate use of teachers and scholars. The teachers needed books of travel and other works to read themselves, and from which to select interesting passages for children to read in the class, or to be read to them, and incidents to be related to the scholars orally. Volumes had to be picked out, too, for the children to use in the place of reading-books,—

books of the right size, well printed, freely illustrated with really good wood-cuts, or engravings from metal, written in good English, and adapted to the ages of the children to whom they were to be given, and calculated to interest them. Books were also selected that treated of subjects closely connected with the lessons, for children to read by themselves in unoccupied hours in school, or for entertainment and improvement at home. The library arranged to issue two new kinds of cards, one for the benefit of teachers, the other to be used by teachers for the benefit of scholars. On cards of the first kind six books might be taken out by instructors, to be used in preparing themselves for school work, or for serious study in any direction. On the other kind of cards it was permissible to take out twelve volumes, for the use of scholars whose reading teachers had undertaken to supervise. These cards it was supposed would be used chiefly for the benefit of such children as were not entitled, by age, to have one of the cards usually issued by the library, or whose parents had neglected or been unwilling to take out cards for their use. Teachers were invited to bring classes to the library to look over costly collections of photographs and engravings, illustrative of the scenery, animals and vegetation of different countries, and of street views in cities.

A few obstacles were met with. For instance, teachers wished, before adopting the new methods in studying geography, to know whether examinations at the end of the school term were to be on the text-books alone. They were assured by the proper officers that if they adopted the new system of teaching, the examinations should be made to conform to it. It soon became apparent that some of the more enterprising teachers, by a skilful use of the facilities afforded at the library, got more than their proper proportion of the books on a given subject in which there was an interest felt in several schools at once, and kept books out of the library so long as to prevent other teachers from working to advantage. The heads of buildings were called together, and removed these difficulties by making certain agreements, satisfactory to themselves and the Librarian, in regard to the time the teachers in any one building should keep out books, and respecting other pertinent matters.

Soon a good start in our work was secured and most of the obstacles disappeared. More duplicates were needed than could be supplied at once, but by consultation and a careful consideration

of means at our disposal this difficulty was lessened. It will disappear altogether in time, because, when a close connection is established between schools and libraries, the latter will consider carefully the needs of the former and add every year large numbers of books on all subjects taught in the schools, and of works which it is wholesome for children to use in home reading. As the course of studies in the schools remains the same, or nearly so year by year, the library will soon have on its shelves books enough to supply adequately the needs of teachers and scholars.

One or two general features of the plan I have described should be mentioned. An earnest effort was made to bring about intimate relations between the Librarian and teachers, so that the latter would feel free to state all their wants and difficulties, and the Librarian have an opportunity of finding out whatever is faulty in his arrangements and procedure. Much has been left to the judgment of individual teachers. It is always important that this should be done. It seems doubly so in a case such as the present, where but few results of experience are obtainable.

Good results have followed the movement in Worcester. One hundred and nineteen* teachers took out either a teachers' or a pupils' card during the four months that elapsed, after putting the plans in execution, before the close of the schools for the summer vacation. Seventy-seven of these teachers took out both kinds of cards. All the cards taken out have been used. Most of them have been used constantly, and the number of books given out on them has been large. Besides these a very large number of books has been circulated by means of cards commonly used in the library, which scholars have given up to their teachers, with a request for assistance in the selection of books for general reading.

The testimony of teachers and scholars has been uniformly to the effect that the use of books from the library has added much to the profitableness and interest of the exercises in reading and geography. It has been noticed that scholars enjoy reading from a well illustrated book of travels (*e. g.*, Zig-Zag Journeys, or Knox's Boy Travellers in the East), and that in its use they read understandingly and with increased expression. The members of the class while not reading feel inclined to listen, and, when asked,

* There are about two hundred teachers of all grades in the public schools and, say, fifty in private schools.

show ability to tell the teacher what others have been reading about. Scholars break off from the reading lesson, too, with a desire for its continuance. Two ladies having charge of a room in one of the grammar school buildings tell me that they have fitted up a dressing-room, in which they arrange on a table illustrated books taken from the library, and that as a reward for good recitations one day, they allow scholars to go into that room the next day, a dozen or so at a time, to gather around the table to look at the illustrations and listen to the teacher's description of countries illustrated. These teachers say that lessons have been much better learned since the adoption of this plan than before, and announce that they intend to teach geography largely in this way in future.

In doing the work I have been describing, it was hoped that besides rendering study more profitable and agreeable to children, they would learn, incidentally, that there are many books which are interesting and yet not story books. Teachers tell me this has been the case. Two in particular have stated that boys who were in the habit of reading New York story papers and dime novels, have gratefully received wholesome books recommended by them. The books and papers they had been reading had been thrust on their attention. They knew of no others that are interesting.

One of these teachers says that some of the scholars reminded her of hungry men unable to get nourishing food, in seizing upon anything they could lay hands on to satisfy a longing for reading matter. One of the grammar school principals, with the aid of some of his assistants, has done a very considerable work in influencing the reading of his scholars. He has used teachers' and pupils' cards held in the building under his charge, and in talking with the scholars has incited them to ask him to take possession of their cards and help them pick out books. Two of his assistants have made it a part of their work to consult the catalogues of the library and printed and manuscript lists of books which the Librarian placed in their hands, and in the use of these facilities, and by the aid of the Librarian, to select large numbers of books for the use of scholars. This principal sends to the library cards for fifty books at a time. The books are taken to the school and put in the charge of one of the scholars, who has been made librarian. They are looked over by the teachers, and some volumes are retained by them to be used in the reading exercise, or for silent reading in connection with the lessons. Most of the books, however, the

scholars are allowed to examine freely, with the object of selecting from them such as they find interesting to take away from the building to read at home. It has seemed to me that this grammar school instructor and his assistants, are doing a very important work for the benefit of the community.

In doing this kind of work a special catalogue of, say, 2,000 volumes is very much needed. Such lists of books which have been issued in Boston, and elsewhere, for use in schools, as have come under my notice, are inadequate. They are made up in altogether too large a proportion of books, which, however excellent in themselves, are only adapted to the capacity of mature pupils. Sufficient care is not taken in them to designate the age of children for which particular books are designed. What is wanted, especially, is a selection of books for children between the ages of eleven and fifteen, every one of which is known from actual perusal by competent persons to be really a good book, and one adapted to the capacity of young folks. I have recently made some efforts to have such a catalogue prepared, and I am happy to be able to state that several ladies in Boston who are very familiar with this kind of work, and the value of whose work has already been thoroughly tested, are now engaged preparing such a list. I hope this can be published in the course of a few months. It is intended to use notes to show what the contents of a book are when its title does not indicate them. Meanwhile, I can only refer teachers to such sources of information as I mentioned in an essay on Sensational Fiction, read before the American Library Association at its meeting in the summer of 1879 (published subsequently in the Library Journal, and privately printed in pamphlet form), and to librarians and other persons who may be supposed to have special information regarding books.

Among ways not before mentioned, in which the teachers of grammar and lower grades of schools have used the library, are the following: Some have requested every member of a class to go to the library to get information about some of the mountains, waterfalls or mineral springs of the United States, or about other specified objects to be embodied afterwards in short compositions. One teacher has adopted a plan which, as I have stated, is in use in the high school, and has brought a class of children to the library building to look at costly representations of the scenery, occupations, buildings, costumes, &c., found in China and Japan.

It is customary with some teachers, when the scholars are studying American history, to procure from the library graphic accounts of periods covered by the current lessons, to lend to pupils to use in the evening, in acquiring a more extended knowledge of incidents treated of only briefly in the portion of the text-book studied during any particular day. One teacher whose school is situated at a distance from the library building, asked a wealthy citizen to buy for the school a hundred or more of the books which she most needed in her work. He complied with her request at once, and, after several consultations with the Librarian, she made an admirable selection of books, which were bought for her at the low rates at which libraries make purchases.

Even in lower grades of schools than the seventh, considerable assistance may be afforded teachers where towns are enlightened enough to spend money in providing in their libraries books adapted to little children, as well as those suited to older boys and girls, and persons who have grown up. Several of them have found such books as Tiny's Natural History, in words of four letters, by A. S. Bond, and bound volumes of the Nursery, as well as stories such as those in Miss Edgeworth's Parent's Assistant, and Grimms' Fairy Tales, very useful in doing school work. Valuable suggestions in regard to work that may be done by the coöperation of schools and libraries, are to be found in a paper read by Mr. William E. Foster, Librarian of the Providence Public Library, before the Rhode Island Institute of Instruction, last January, and recently published by the Institute in a pamphlet with two other papers.

Of teachers in Boston who have used the Public Library in that city, in connection with school work, the one whose use is oftenest mentioned is Mr. Robert C. Metcalf, Master of the Wells Grammar School for Girls. Unless I misunderstand a recent utterance of Mr. Metcalf, there is only one kind of work that he has found it feasible to do in connection with the Public Library, namely, that of teaching children to read attentively, and with comprehension of what they are reading. He sends to the library for, say, twenty copies of some such publication as Towle's Pizarro, or one of the longer poems of Longfellow, has every member of the class read the book selected very carefully, a portion of it at a time, and sets times when he will examine them or the parts of a book assigned for reading to see whether they know just what the author has written, and have studied his characteristics in expression. This

is an excellent exercise. Valuable aid in conducting it may be found in School Documents, Nos. 17 and 29, 1877, and 21, 1878, issued by the supervisors of schools in Boston. If additional evidence of the need of it is desired, it may be found in the record of the results of an examination of the schools in Norfolk County, Massachusetts, printed in the last report of the Massachusetts Board of Education. It is a matter for consideration, however, whether it is the province of a public library to supply books needed for this exercise. Judge Chamberlain, the Librarian of the Boston Public Library, gives reasons in his last annual report why they should be furnished by the library. On the other hand, it may be said that school committees, which conduct schools with intelligence, supply collateral reading to teachers, and that it is quite in the line of this undertaking to furnish books needed for the kind of work done by Mr. Metcalf. There should be no quarrel over this matter. Teachers should have the books needed in doing work of this kind, whatever may be the method it is thought wise to adopt in supplying them in any given town, whether it seem best to have them provided by the public library, or by the school committee, or to have them bought with money secured by subscription. Numerous duplicates of but a few books are needed, since a work, after being studied in one school can be passed along to other schools of the same grade to be studied in them, and good books, suitable for the purpose mentioned, are published at the Clarendon press, and by American publishers, at very low prices. There is a way, too, in which some of the advantages of this kind of work can be secured by aid usually afforded by libraries, namely, by dividing a class into groups of four or five members, and giving to the scholars in each group a separate book to examine. Books and magazine articles could be chosen that children have ready access to at home, as well as in libraries. Some pupils would be willing to buy copies of inexpensive books. That such a plan as this has been followed with success, in one case at least, is shown in an article entitled "The Weekly 'Reading Hour' in a Providence (R. I.) School," published in the New England Journal of Education for February 19, 1880.

Is it practicable to do in large cities the work which it has been shown has been well begun in a city of 58,000 inhabitants? It seems to me easy to do it there. But how could we deal with the masses of men, women and children, who, under the plan proposed, would use

libraries for purposes of reference in large cities? Would not the numbers of applicants for information be so great as to forbid much consultation between officers of libraries and students and readers? No; in doing this kind of work deal with inquirers in the branch libraries as well as at the central building. The large cities of England and America have found themselves best able to fulfil their functions in the community by establishing numerous branch libraries, in a circle around the central library, in different sections of the territory which they cover. A considerable portion of the books in the branch libraries should be selected with especial reference to the needs of teachers and scholars. Persons should be placed at their head who have been chosen, because, among other qualifications, they have the ability to render assistance in the commoner fields of investigation to ordinary inquirers. Large collections of books are not needed in doing work in connection with schools. Small branch libraries selected with regard for their wants, when supplemented by the resources of the collection in the main building, are adequate. In furtherance of the work of rendering assistance to inquirers among scholars and teachers, there should be at the central library some man of large general acquaintance with books, and of zeal for the dissemination of knowledge, to whom teachers and others in search of information may have ready access when in search of knowledge regarding any subject they are interested in. He should have as many assistants as are necessary to meet the demands of inquirers.

With such a head and a sufficient number of assistants in the central library, and with competent heads of branches, it is perfectly feasible to do this kind of work in connection with schools. Ordinary applications for information would be met at the branches, and difficult questions would have to be answered at the central library by the presentation of the inquirer there in person, or by conversation through telephones, connecting branches with the principal building. Nor need such service be very expensive. The officer having charge of this kind of work should be a cultivated man of somewhat exceptional qualifications, whose abilities and attainments command compensation equal, say, to the principal of the high school. It is easy, I know from experience, to train intelligent women who have had only a high school education, but who have some interest in books, and pleasant manners, to do the ordinary work required in pointing out sources of information.

Questions of teachers and scholars recur, and having once been answered by the chief can be answered afterwards by his assistants.

It seems to me practicable to do even more of this kind of work in large cities, and to be perfectly feasible to invite the public generally to come to public libraries,—every person with any question he may wish to ask that books will answer, for the purpose of having the best source of information adapted to his needs and capacity pointed out to him and placed in his hands. The number of inquirers will not be so great as to become unmanageable and swamp the facilities of libraries, but it will be large, and increasing gradually will have to be met by a gradually increasing force of assistants. I make these statements of my convictions after careful consideration of the subject, and after ten years of experience in conducting a library, with no mean success, on the plan recommended. The aim, bear in mind, is not to provide information to specialists, but to help people generally to get answers to questions which they feel interested in having answered.

I see no reason why in doing this kind of work a library in a large place could not, with very little difficulty, get great assistance from gentlemen outside of the corps of officers. Take Boston as an example. How easy it would be to interest a large number of the professors in the colleges and other educational institutions in and near the city, and of specialists in different departments of knowledge in professional life, or leading a life of study in comparative leisure, to allow questions to be put to them occasionally in regard to what book or books should be given to an inquirer when the general knowledge of the officers of the library with bibliographies at their command fails. Treat these gentlemen as men to whom you are indebted, and afford them graciously every privilege that can possibly be granted to students, and let them feel that they are an important factor in the management of the library, and I am sure that, leaving out the very selfish men who are found among scholars as well as among men in other occupations than study, a large corps of voluntary assistants could be found ready to render the small amount of gratuitous service needed of them in consideration of the consciousness that they were conferring a public benefit. Of course tact would have to be used at the library, and no unnecessary labor should be put on these men, and it should be without expense to them. The large libraries need and can have more coöperation in the selection of books and in the dissemina-

tion of knowledge. Are there not numbers of young specialists in large cities, and men of maturer years, who would delight to coöperate with the officers of a great library in making the institution an exchange for information, a great educational institution, a university for the people? Would not scholars at a distance allow themselves to be consulted occasionally for the benefit of inquirers in consideration of the privilege of occasionally asking themselves to have little investigations made, and in return for infrequent loans of books?

One word in regard to libraries in small towns, and I close. In such places persons interested in the schools are likely to feel an interest in the town library, and to be officially connected with it. School-committee men and teachers in small towns should see to it that a portion of the money appropriated in town meeting for the use of the library, is spent for books that teachers and scholars need to consult and use.

III. EDUCATIONAL PROGRESS IN ENGLAND.

BY MISS EDITH J. SIMCOX, OF THE LONDON SCHOOL BOARD.

(Read September 8, 1880.)

Opinion respecting the education of girls has undergone rather startling modifications since Adam Smith contrasted its usual efficiency with the shortcomings of the academical system of his own time. "There are no public institutions," he wrote, "for the education of women, and there is accordingly nothing useless, absurd or fantastical in the common course of their education. They are taught what their parents or guardians judge it necessary for them to learn, and they are taught nothing else," * * * so that * * * "in every part of her life a woman feels some conveniency or advantage from every part of her education." For nearly a century after this optimistic utterance, the education of girls remained substantially unaltered, and by the end of that time the enlightened few had come round to an opinion that might be stated almost word for word as the direct contrary of Adam Smith's — that because there are no public institutions for the education of women, the common course of their education was altogether useless, absurd or fantastical.

So far from changing with the times, girls' schools had made a merit of standing still; there is no better education generally obtainable than that of "a real honest, old-fashioned boarding school," like the one described in Miss Austen's "Emma," "where a reasonable quantity of accomplishments were sold at a reasonable price, and where girls might be sent to be out of the way, and scramble themselves into a little education, without any danger of coming back prodigies." But the accomplishment which in 1760 enabled a young lady to play a distinguished part in good society, only served in 1840 as a beacon to mark the distance between this feminine standard and the best general culture of the day. Up to this date, little thought was given to the methods of education employed; complaints of the frivolity of women were common enough, but as their great-grandmothers had grown into useful and domestic women upon the same kind of regimen, the whole blame of the frivolity was laid upon the shoulders of the girls who refused to profit by all that was excellent in their training. Here and there an enlightened coterie, usually of non-conformists, maintained for a time a school where girls, as well as boys, could receive a

liberal education, in harmony with contemporary thought and knowledge, but these were isolated exceptions. Miss Martineau and Miss Carpenter were among the products of such happy chances, and in them we have, perhaps, the last representatives of the movement of eighteenth century liberalism towards a fuller recognition of the educational claims and social duties of women.

Historically, this movement had spent itself before the middle of the present century, and the practical questions relating to the education of women, which occupy us still, have only been before the world in their present aspect, roughly speaking, since 1848. An interesting paper by Lady Stanley, of Alderley,* traces the connection between the first steps taken at this date, the following twenty years of inconspicuous preparation, and the last decade, in which rapidly expanding claims have met with a scarcely less rapidly increasing proportion of recognition and success. These first steps may easily seem slight and unimportant now, but they had the crowning merit of fruitfulness. The first promoters of the so-called "Queen's College," Harley street, aimed originally at nothing more than providing an improved education for governesses, but finding that, in practice, the class of governesses was almost entirely recruited from among those who were driven by unexpected circumstances to embrace the profession of teaching, without any preparation or training, they resolved "to provide education for the future governess by offering it to all who may become governesses." The college was really only a high-class school, with zealous and accomplished professors, who worked *con amore;* it was not a training college for teachers. But it is an interesting fact that most of the ladies whose names have become familiarly known since, in connection with educational theories, or the practical conduct of successful girls, were wholly or partly educated at this college.

Up to 1865 the historian of the movement would find little to record beyond a gradual widening of the circle of persons interested in its success. But at this point public action of a new kind became possible and necessary. Complaints as to the quality of the education generally accessible to the children of the middle and upper middle class were to be heard in the case of boys' as well as girls' schools. In 1861, a Royal Commission was appointed to inquire into the state of the nine great public

* The Nineteenth Century, August, 1879.

schools, Eton, Winchester, etc., and in 1864 this was followed by a similar inquiry into the state of schools for secondary education. Of this inquiry we shall have to say more anon; its first result in point of time was to inspire an appeal to the universities. Oxford and Cambridge were called upon to do something at least to guide and inspirit the teaching of the schools, and their response took the form of the so-called Oxford and Cambridge "local examinations" — examinations, that is to say, held at various local centres under the direction of the university, at which junior and senior scholars receive certificates of a pass or "honors" in the different subjects of examination. Here was the long-desired opportunity of obtaining for women, who proposed to engage in teaching, something approaching, if not to a university degree, at least to an official certificate and diploma. In 1865, the Cambridge local examinations were thrown open to girls, and Oxford, in following the example a little later, improved upon it by placing the boys and girls together in order of merit instead of classifying them in separate lots. Now more than thirty per cent. of the number presented for examination are girls, and a few years ago Oxford was embarrassed by the indiscretion of a young lady who took the first place in the examination. Two colleges had offered scholarships to the successful competitors, and one, it was rumored, would have been willing to keep to its bargain, if the vice-chancellor of the university could have been persuaded that its statutes allowed him to matriculate an undergraduate of Princess Ida's sex.

It is significant of the level reached at that time by the "higher education of women," that an examination, originally designed to test the attainments of boys leaving school, should have been welcomed as affording a test of the qualifications of women engaged, or about to engage, in teaching. But the incongruity is less than it appears, because many of the women who had to go through some methodical course of study to satisfy this easy test, after having done so, would be able to satisfy a test of much greater severity. The standing complaint against governesses of the old style was their want of thoroughness; the foundations of their knowledge were shaky, even when there was some breadth and brilliancy in the superstructure. To pass the Cambridge "Senior Local," a governess had to lay again the foundations of her knowledge of elements and principles; but having done this, she continued to

possess, and with a firmer grasp than before, all the desultory elements of general culture and information which had hitherto formed her whole stock in trade.

The local examinations, like the teaching of Queen's College, served a double purpose; they sent out into the world actual teachers, with a clear idea of what should be learned, and how it could be taught, and potential wives and mothers prepared to value and respect in the next generation of teachers the skill they had been disinterestedly desirous to acquire for themselves. The success of the attempt to open the local examinations of the universities to girls encouraged a second and more ambitious hope, or rather resolution, to found a college where academical teaching in all its fulness should be provided for young women.

Before passing in review the different steps of this second period of still continuing progress, it will be well to consider the length and breadth of the educational problem confronting the generation which is just now ceasing to be young. The only difference between the terms in which it presents itself for boys and girls arises from the fact that in the case of boys the ground is preoccupied; ancient methods, historical traditions and largely endowed customary institutions are there, ready to serve either as a foundation or a stumbling block in the way of new and improved constructions. In the case of girls the field was a *tabula rasa*, and instead of the question how much or how little to uproot, the initial difficulty was rather where to begin, where everything had to be begun from the beginning at once.

All educational work may be divided into four main categories. First, there is the elementary education, which, up to 1870, it was held in England, ought to be offered by voluntary zeal to every citizen, at a cost reduced by State assistance; and which since then has not only been offered, but compulsorily accepted at the cost of local rates. Then there is the important, preponderant mass of secondary education, representing the training of that large so-called middle and lower middle class, which almost vies with the operatives in number, and quite vies with the aristocracy in wealth. This is the class whose defective culture and narrow, ungenial civilization moves one of our most genial educationalists, Mr. Matthew Arnold, to alternate denunciation and lament. To meet this immense want, the State at the present day does nothing; it only acts as guardian to such ancient endowments as still con-

tinue to serve in some sort the educational purpose contemplated by their donors. These endowments date from the days when education shared with religious worship in the liberalities of all classes from kings to yeomen; and their worst fault is that they are distributed according to the grouping of population as it was under the Stuarts and Tudors rather than as it is at the present day. The third place belongs to the higher learning, or academic culture, which, having begun by receiving State recognition, ends by paying for that privilege by a certain degree of subjection to State control. Lastly, the growth of population, the multiplication of skilled industries, and the growing dangers to a dense population from the chance of mechanical incompetence in any class of workmen, have combined to call into an existence a fresh demand for technical education; that is to say, for special kinds of secondary instruction, bearing upon mechanical industries, which shall stand to the elementary education of the working classes in the same relation that the professional training of a university faculty does to the secondary education of the middle and upper classes.

The present arrangements for providing elementary education in England must seem curiously complicated and roundabout to any one who has not watched the gradual development of the triple agency at work. The educational destitution with which the last two generations have been wrestling, only dates in its recent gravity from the rapid increase of population coincident with the development of the factory system. Factory children, under the half-time acts, were the first to have their education provided for by law, and for many years the State did nothing more for elementary education than to grant subsidies to voluntary schools in which the teaching was thrown open to Government inspection. Practically, a school founded and in part supported by "voluntary" contributions meant a school attached to the church or chapel of a religious denomination; but as the provision of churches and chapels had altogether failed to keep pace with the increase of population, so, *à fortiori*, had the school accommodations. Wherever the population was poorest and densest, there it was least likely or possible for voluntary zeal to provide new schools as fast as they were wanted. In all London, for instance, the city and Westminster were the only divisions in which voluntary schools provided adequate, or nearly adequate, accommodation for the resident population, and in each of these

cases the provision had been made by the accumulated munificence of at least five or six centuries.

The elementary-education act of 1870 was intended to supply the existing deficiency — of which very few at the time, perhaps, fully realized the extent. Some maintained that voluntary effort would soon overtake the existing wants, if time enough were left it; others denied the reality of the want, and maintained that legislation would try in vain to force into school millions of children who existed only in the registrar-general's tables. Enlightened and intelligent witnesses by the score agreed, in 1869, in opining that the measure then in preparation would prove absolutely unworkable. Even those who wished best to the act were tempted to fear (as I did myself) that among all the guarantees for securing the liberty of the subject, one liberty in chief would be claimed, — that of defying the act.

The first duty laid upon the school boards, appointed under the act of 1870, was to provide sufficient accommodation for all the children of the elementary school class within their area. Existing accommodation in efficient voluntary or private-adventure schools was to be counted and deducted from the amount required; parents were to be left absolutely free to choose which school their children should attend, but it was cheerfully assumed that by the time schools enough were built to accommodate all the children at once each parent would be able to find one to his taste. But still, faint-hearted persons thought, It is easy to build schools, but are we sure the children will come into them as fast as we can build; if this were so, why had not the demand for schools already created a sufficient supply? It speaks volumes for the practical wisdom of the statesmen to whom we owe the measure that this fear has proved entirely unfounded. What has happened in London is only an example of what has happened on a smaller scale in nearly every large town or important village. The school accommodation in the London district between December, 1871, and December, 1879, has been almost doubled, but the average number of children attending school throughout the year has more than doubled. The voluntary schools which in 1871 had an average attendance of 173,406, had in 1879 an average attendance of 182,728; the board schools which in 1870 did not exist, had in 1879 an average attendance of 185,518! And taking England and Wales together, the school accommodation has increased 121 per cent., and the

average school attendance 125 per cent. Making every allowance for increase of population, the closing of unrecognized but not absolutely inefficient schools, and such like considerations, it would have hardly been possible, in the time, to hope for a more startling and unmistakable measure of success than that represented by these figures.

Of course the poverty and degradation lurking in the obscure corners of great cities cannot be dealt with merely by building schools; but the board-school teachers, who have worked in such corners, are agreed as to the marvellous change already effected among their scholars. Where the home influences are hopelessly bad, the trace of the struggle between the rival genii of home and school is sometimes curiously visible to the naked eye. In schools where, it may be, the majority of the parents belong to the criminal, or semi-criminal classes, boys and girls of all ages will come from the same kind of homes; but while the boys in the lowest classes have the shock-head and dilapidated garments of the wildest street Arabs, tidiness and an air of decency grows steadily from class to class, as the boys have been longer in school; while the girls, whose wardrobes are always more under their own control, become tidy a year or two sooner, and in the upper classes would not be told by their appearance from the scholars of decent and prosperous neighborhoods. Granting the civilizing influence is thus far only skin deep, it must be worth something as an adjunct to the enforced elementary instruction.

In neighborhoods where the school population consists of small tradesmen and well-to-do citizens, success of another order is to be reached. The quality of the educational results, as well as the amount of educational provision, was ruled ten years ago to be defective. "Standard VI." was a seldom-reached maximum, and the witness of Germany and America was invoked to prove that it should be a minimum instead. Now, in some of the best London board-schools nearly half the children are presented in the upper standards (*i. e.*, fourth, fifth and sixth), and in the case of one school that was before me lately, nearly thirty per cent. of the boys were in or above the sixth standard. The average age of the boys in the sixth standard was eleven years, eleven months; of those in the ex-sixth, twelve years, seven months; and of the ex-ex-sixth, thirteen years. These ages were taken at the beginning of the school year, but, at any rate, we shall not exceed the mark

in estimating that, under favorable circumstances, the best board-school teaching will bring children of twelve to the sixth standard, and those of fourteen, two degrees beyond. In the way of attainments, this represents good spelling, reading, and arithmetic, up to vulgar and decimal fractions; usually, a very competent knowledge of geography, the elements of English grammar, a notion of drawing, freehand and geometric; singing from notes on the tonic sol-fa system, and some knowledge of physiology, French, history, or one of the other specific subjects of instruction recognized by the code of the education department. Ex-sixth boys proceed to Latin or mathematics, and take up several specific subjects at once. Without unwholesome cramming, it is hard to see how more than this can be taught during the eight or nine years of school attendance. Girls, if fortunate in their "teachers," do as well as boys in the elementary subjects, in geography and grammar, but their range of extra subjects is restricted by the obligation to take up needlework and "domestic economy," the latter of which is made by some of her majesty's inspectors to cover a wide area, ranging from cooking and cutting out to political economy and physiology.

The training of teachers of both sexes for elementary schools, is provided for in the same way — by colleges in connection with different religious denominations; and though the supply of thoroughly well qualified teachers has hardly kept pace with the demand, the standard of teaching in both boys' and girls' schools has improved in about equal proportions. From time to time attempts have been made to induce some of the too numerous class of private governesses to qualify themselves for the post of elementary school mistresses, but, hitherto, with little success. Any of the younger race of teachers, who have learnt some things thoroughly, and among these the art of imparting compendious knowledge to a class, are able to find occupation in the new high school for girls of the middle class; and though the work here may be as hard, and perhaps not better paid, it has the advantage of not raising doubtful points of social dignity. The elementary-school teachers are required to know less than the high-school teachers, but they must be able to overcome greater difficulties in the way of teaching, and as, up to a certain point, it is perhaps easier to acquire knowledge than to impart it, it is not as much easier as might have been imagined, to provide elementary than

advanced teachers. Such high special qualities are needed in the successful mistress of a large elementary school, that the remuneration of such work will have to be fixed permanently at a tolerably high rate, as compared with other work now in the hands of women; and by and by, no doubt, as the supply of teachers for high-class secondary schools begins to overtake the growing demand, a certain proportion of teachers, belonging by birth and education to the middle class, will, as it were, overflow into the ranks of elementary instructors. Such a result, whenever it occurs, cannot be otherwise than welcome; for it is unquestionably advantageous that school teachers should be regarded as at all points the natural superiors of those they have to teach. The teacher drawn from the elementary school class, and not raised above it by any special talent of his own, knows nothing but what he has learned as a lesson, and because it cannot be learned as a lesson, he goes without learning all that the mind inhales unconsciously in an atmosphere of hereditary cultivation.

The weak points of English education have been largely due to this comparatively low status of the teaching profession. Those highly educated men who have been drawn into it by the bait of venerable endowments, were too apt to look upon their scholars as a necessary evil, a hinderance in the way of their own natural work of independent study; while the mass of private teachers were drawn, if anything, from a lower, instead of from a higher social and intellectual level than that of the parents who employed them. The first class of teachers had the required knowledge and character, but they neglected the *technique* of teaching; of the rest, some could teach mechanically what little they knew themselves, while the remainder kept more or less disorderly hotels where the children were free, in Miss Austen's phrase, to "scramble" into the possession of just as much useful information as they could discover for themselves.

The whole provision for secondary education in England is still as much left to itself as primary education was before the creation of the Education Department, with its regulations, test examinations and certificates. In 1865 it was estimated that the number of boys of age and status to require secondary education amounted to something like 255,000. Out of this number, which was rather under than above the mark, nearly 3,000 were receiving education in the principal public schools of England, 12,000 in proprietary

schools or colleges, and not quite 37,000 in endowed schools of various size, grade and efficiency. Altogether more than four-fifths of the sons of the middle class were shown to be receiving their education in private establishments offering absolutely no guarantee of the teachers' fitness for their work. Since that date some few endowments have been reapplied, some additional proprietary schools have been established, and the zeal of private teachers has received some spur from the introduction of the university local examinations and the more recent "leaving examinations"—the German "abiturient" examinations. But beyond this nothing has been done; the general problem remains as it was, with the added urgency of fifteen years' accumulated arrears.

The figures given above refer only to boys; it was an afterthought, but a most happy one, that the commissioners should interpret their instructions so as to include a report upon the general condition of girls' schools. These reports, forming a very small proportion of the voluminous whole, have been collected and reprinted by Miss Beale, principal of the Ladies' College at Cheltenham. It is almost comical to read of the mixed surprise, indignation and disgust with which the majority of the ladies at the head of select educational establishments received the intimation that her majesty's Government would like to know something about the instruction given to their pupils. To many the chief affront seemed to lie in the mere fact of being supposed to keep a "school;" few, perhaps, would have been really able to give the kind of information requested, and even those who were anxious to afford every facility to the commissioners were as curiously unprepared as their scholars to encounter the simplest examination. On the whole, however, a sufficient number of these dovecots were thrown open to the hawk-like gaze of the commissioners to warrant a judgment upon the whole class. The witnesses are practically unanimous in the conclusion that the attainments of the girls suffered only from the universal want of knowledge and method in the teachers. All agree in the remark of one among them that "it would be an affectation of politeness to say a word on behalf of the arithmetic taught by ladies," and yet, even in this hopeless subject, a brilliant exception here and there proved that women only needed to have been well taught in order to teach well. The most important result of the inquiry was the foundation in 1872 of the Girl's Public Day-School Company.

Nearly twenty schools, receiving over 3,000 scholars, have been opened with the company's assistance, which is given in this way: When a sufficient number of parents in a new district wish to have a high-class day school opened for their daughters, and are willing to guarantee a proportion of the requisite funds, the company steps in and provides the remainder and undertakes all the labor of organization. In this way local interest and patronage are secured as in a proprietary college, while the higher interests of education are protected by the central council, against local inclinations to think more of the dividend than the pupils. These schools mark an immense advance upon anything mentioned in the reports of the School-inquiry Commission, but their work would have to be multiplied by a thousand fully to meet the requirements of the present generation. Experience of the rate of development of school provision for boys does not encourage the hope that private enthusiasm alone will overtake our needs within any reasonable distance of time; but as uninspected, unassisted voluntary schools preceded and introduced a national system of elementary education, so it may be hoped that the multiplication of private-adventure high schools, etc., will pave the way for a national system of secondary education.

At present the jurisdiction of school boards only extends over children, as it is called, "below the ninepenny line," *i. e.*, whose parents do not naturally pay a higher fee than ninepence for each child's weekly schooling. A good deal of jealousy is felt lest school boards should take upon themselves to provide secondary education, at the expense of the ratepayers, for children of this class, while the said ratepayers are left to provide the same for their own children unassisted. But it is impossible to suppose that intelligent tradesmen, clerks, etc., will long be content to pay several pounds a year for worse teaching than the elementary schools provide at a maximum cost of ninepence a week. Such parents are not able to organize improved public secondary schools for themselves, but their contributions to local rates and imperial taxation give them a claim to legislative assistance. It is difficult to calculate upon the exact shape of the compromise which John Bull will ultimately adopt, but perhaps the easiest way of introducing the desired change would be to use the existing machinery of the Education Department to inspect and regulate a new class of schools, with a higher, self-supporting fee and an

ordinary curriculum, including the subjects which figure as alternative studies for the higher classes of elementary schools. The schools might be built out of rates, maintained by school fees, and inspected at the cost of the national exchequer. The fees and the instruction might vary *ad libitum*, according to the social character of the district for whose use the school was provided; but if the teaching was all upon the same plan, and subject to the same guarantees, such gradations would only offer a welcome security against a dead level of officialism. No scheme of the sort has yet taken shape, but that some scheme or other will do so ere long, may be very confidently guessed.

Considering that the privilege of a university education is limited to a comparatively small class, it might almost be said that women have a larger share of the highest educational advantages than of any others. There are not a dozen bodies in the United Kingdom entitled to confer degrees, and, of these, the University of London has now thrown all its degrees open to women. Medical degrees can be obtained in Dublin, and Cambridge and St. Andrew's are sincerely friendly to their claims. The college system of Oxford and Cambridge, is indeed so well adapted to the admission of women, who could live and learn in a hall or college of their own apart, that it is difficult to believe that the universities will long exclude them from its examinations and degrees. The kindness of the university examiners at Cambridge allows the students of Girton and Nuneham Hall to answer all the papers set for the various degree examinations, and the candidates are placed in a sort of unofficial class list, indicating the degrees they would have obtained if they had been men. This summer was memorable in the annals of Girton by the first appearance of one of its students high up among the wranglers. At the last matriculation examination of the University of London, nearly thirty per cent. of the candidates were girls, and it was noticeable that more than a proportionate number passed honorably. It is much to be regretted that Owen's College, at Manchester should have refused from the first to admit women to a share in the advantages of its fine endowment. But, for the present, the opportunities offered by Cambridge to resident students, and by London University to candidates for a degree, are fairly sufficient for the numbers able to make use of them.

Little space remains in which to refer to the opportunities for

technical education open to women. The science and art classes of South Kensington have always been largely attended by women; and the large scheme for technical instruction which is slowly developing under the auspices of the city guilds, does not threaten to exclude them from its benefits. The working women's colleges in London, and elsewhere, hardly provide technical education in the strict sense; but the school of medicine for women, opened in 1874, and in 1879, associated with a neighboring hospital, gives facilities of the most valuable kind for the study of this profession.

On the whole, if allowance be made for our national habit of making the most of ourselves, this survey, in spite of the long list of things undone or uncompleted, ought not to leave a generally gloomy impression. Everything that is now being done, is done in the right direction, and various independent currents of useful energy are seen year by year to be converging toward a point of junction, after which their united volume may well prove to be irresistible. In fact, the higher education of girls is already so far advanced that we have to consider objections as to whether there will not soon be too much of it, or perhaps rather whether improved teaching does not threaten to supersede education. An alarm raised as to the danger from overwork in the new high schools, happily reduced itself upon inquiry into a judicious demand for play and playgrounds, and such a distribution of the hours of school work and preparation as should harmonize with, and indeed necessitate, regular and wholesome home habits.

In this sense, therefore, the cry of "over-education" does not alarm us, but it is well, perhaps to keep before our eyes from the first, as a danger to be avoided, the possibility of providing the coming generation with the raw material of knowledge faster than we can arrange for it conditions of life which will make the knowledge nutritious and serviceable. No part of a child's school knowledge can be safely allowed to remain long detached from its daily life. The history and geography of lesson books must join on to that of the newspapers; it is almost worse to know the name and date of a writer or a hero, without an independent familiarity with the nature of his books or actions, than to be frankly ignorant of all at once; and in every branch of science, it is admitted that a knowledge of definitions and formulæ is useless apart from experimental acquaintance with the actual bodies described. An inaccurate general knowledge, that would not stand the test of

examination, may, even in some cases, have more educational value than a few correct and barren facts; and our educational results will not be thoroughly satisfactory if detailed information is imparted faster than circumstantial impressions about its color and bearing. Schoolmasters are already complaining loudly of the system of cramming necessitated by the tyranny of examinations. School-mistresses still look to examinations as their hope of deliverance from inaccurate and slipshod methods of learning and teaching. But it must be remembered that although no ignorant teacher can pass a searching examination, not every teacher who can pass such an examination is necessarily well educated. All so-called higher education is worthless that does not include a great deal more than can be tested by a short examination; and in these busy days, perhaps the greatest service that educated women have it in their power to render to the community, is to keep alive the menaced tradition of wide and disinterested general culture.

The education of the elder English universities, at its best, is perhaps unequalled in the world for a certain combination of thoroughness and versatility. The ideal representative of English university culture knows one thing thoroughly — it may be only one branch of philology or mathematics — but he knows that with thorough, easy mastery; and he also knows familiarly the surface of a thousand and one other subjects, and has a just instinct as to their relations and comparative importance. German students may be as thorough, and taken together, they may explore thoroughly a large number of scientific recesses; French or American students may be as ready to set up as omniscient tutors to the ignorant; but, even at the risk of being suspected of patriotic partiality, I maintain that a special intellectual value attaches to the academic discipline which aims at making every student at once special and universal, — a "scholar" in the technical sense, if nothing else, as well as a cultivated man of the world. Of course, in practice this aim is only realized in the case of the select few; but each system must be judged by its best representatives; we should not condemn German thoroughness because of the really illiterate pedantry of some narrow-minded specialists; nor should we disparage French intelligence because of a few writers who go on arranging sprightly generalizations, in serene disregard of notorious facts which must upset them. And similarly, our

object should rather be to increase the number of students able and willing to profit by what is best in the old academic culture, rather than to lose the tradition of it altogether, because comparatively few can reap the fullest benefit from it.

This point of breadth and thoroughness needs especially to be kept before us now, when the admixture of women at the universities is likely to be an accomplished fact, even in a larger sense than at present. Hitherto, a university degree has appeared to women as the final goal of their ambition. This was excusable while it was out of reach, but they must learn now to feel that a degree is only of value as a mark or symbol of what lies behind it; and of this the least valuable part may be the mere amount of information acquired and retained. The power of learning, the temper of the mind in its dealings with facts and theories, the readiness of the understanding to see the bearing of acquired knowledge — these are the most valuable fruits of a really liberal education. Just as the best results of moral training and discipline are seen in the formation of character, or a habit of willing and feeling rightly, so it should be the aim of mental training to produce an intellectual character which may be depended upon to apprehend and judge readily and correctly.

The very dearth of facilities for the higher education of women in the past constitutes a temptation lest, in the eagerness of our desire for the means, we should forget that they are, after all, only means towards a higher and still more worthy end — the fit preparation of the student for the countless claims and opportunities of after life.

NOTE.—This able Paper was supplemented, in the debate which followed, by remarks from the Chairman, Colonel HIGGINSON, and Mr Moncure D. Conway, of London, but we are unable to give a report of what they said.

IV. HOME LIFE IN SOME OF ITS RELATIONS TO SCHOOLS.

BY MISS MARY W. HINMAN, HAVANA, N. Y.

(Read September 8, 1880.)

I can best express a thought that in more imperfect shape is familiar to all of us, by quoting a brief passage:

"Few lives are shaped, few characters formed by the contemplation of definite consequences seen from a distance, and made the goal of continuous effort, or the beacon of a constantly avoided danger. Such control by foresight, such vivid picturing and practical logic are the distinction of exceptionally strong natures; but society is chiefly made up of human beings whose daily acts are all performed in obedience to custom and routine, or to execute an immediate purpose."

We see every day how true this is. The frivolous or selfish girl may develop after marriage, self-sacrifice and earnestness, but it is not from devotion to any imagined ideal; the helplessness of her little child, home love, and other influences, have stimulated her, and her future development is likewise at the mercy of circumstances that may carry on this good work or utterly overthrow it. To most people come their chances for development as the food of the oyster is brought to it by the ocean. They may do something towards sorting the good from the bad when it comes to them, but they do not go out for themselves and seek food peculiarly adapted to their needs.

This drifting existence is probably no more common now than ever, but the requirements of modern life have brought its defects sharply into view. In this new, great land, life seems to have grown complex with greater rapidity than our faculties have been trained to meet it. Especially is this seen in country districts and small towns, which twenty years ago were seldom disturbed by a new idea, and now are put in every-day connection with the thought of the world. Even those who from childhood have been used to the quicker life of our seaboard cities, are sometimes bewildered at the rapidity with which beliefs and customs change; at the new demands made on men and women; at life-problems so changed in form as to seem to involve new principles. Life is full of solicitations, and more needed than ever before is that clear-sightedness as to the end in view; that long look-ahead which gives selective power.

We know each age is a marvel to the people who live in it, but we do not need to call up the abundant proof that all things have worked together to stir mightily the social life of this people, and to unsettle the traditions of their past.

More and better work to do, means better working powers, less waste, less friction. If character is to be trained to meet new demands, then those who are at work with young people must study the situation. What are some of these new problems?

We read in a girl's album an approved sentiment:

"Be good, sweet maid, and let who will be clever,"

We think, with quick forecast of what life will bring her, that this is quite inadequate. She must, indeed, be clever if she knows what is good. She may have to decide whether she will go out to make a broader place for herself, and answer intense mental cravings, or sacrifice all for real or imagined good of home friends, a problem settled in only one way by women long ago.

In friendship, whether she will give good, or get good, and what is best worth giving and getting.

In charity, she must learn that literally to "give to him that asketh of thee," is to feed society's worst foe, and then to feel a new burden rolled on her conscience.

She must decide how much of the religious faith in which she was nurtured she can teach as literal truth to her child. She must learn that she cannot be to husband or son all she would be, without knowledge of business principles and public affairs.

She is to be shaken in her judgments of people, and even in her own decisions, by what she learns of hereditary laws, still too blind and contradictory to be of scientific value, but startling in their deep suggestions of truth.

She may be called on to decide between the controlling, wholesome force of man's laws which hold society together, and deep truths of nature, which, in individual instances, rebel against them.

Old problems, many of them, but all on the surface now, searching light thrown on them, many factors working in them whose presence was before unsuspected.

These complex social relations have found wonderful reflection in the best novels of the time, — even in the disgusting pages of a Zola. Life is difficult, especially to those who eagerly question all things. Much of religious change is due to this. Minds not yet able to listen for deeper truths, to see the spirit underneath changed

forms, cast aside a creed that cannot or does not answer their questions.

In view of this growing complexity of life, what are the requirements in character? Especially for women must we ask and answer the question, for their development is to be something wonderful in the half-century to come. Witness the importance which the woman question has assumed. Civilization seems to be looking back and beckoning her to keep up in the march.

1st. She must be strong physically, that she may do well her own work and give her children a better start in the race. What does this mean? Very watchful, though, for the most part, very silent, care over her while she is young, and then moral influences brought to bear which shall give her such an unselfish longing to fill up her full seventy years with honorable work, and add nought to the world's burdens and sorrows, that she will do anything, sacrifice anything to keep this good health, without which all her plans will fail.

2d. She must learn the value of habits in small things, and so form them that they will come to act like instincts, leaving the whole thought and attention free for things that require them. The woman who, after her teens, has yet to acquire habits of order, habits of health and neatness in the care of her person, some ruling principles about dress, methodical arrangement of her time, some experience in wise economy; if she has yet to gain these, or suffer the loss that will come from ignorance of them, she adds new factors to a life problem already complicated enough. Who shall say that this habit forming cannot be carried far beyond what we have ever seen it? These habits, and many more, may come to act almost automatically.

3d. To turn to more purely mental requirements, we find that she must not be ignorant of public affairs. Even if she does no active work outside her home, her knowledge must go farther, for the sake of those in her own household, whose work is to be in the great world, and who will carry with them the lessons she teaches.

The civil service reformer knows that beneath all needed change in methods, the real rotten spot is a low ideal of public morality. We take a few steps forward and slide back as fast, drawn by the same irresistible force that makes water seek its level.

A whole class of little boys in Sunday school assert that they would take a bribe. "What!" says a possible senator of the

future, "don't a man own his vote as much as he does his day's work? Not say yes, to get a thousand dollars!" and the mouth forms for an incredulous whistle. I think something of this ought to be traced to that boy's mother. She means to be a good woman; her instructions on the sin of stealing are no doubt faultless. But her discernment may be measured by this, that she innocently believes her husband's political income to be half made up of "presents." She is quite confused in her mind as to the right and wrong of riding on a railroad ticket a second time; smuggling of lace and kid gloves has irresistible attractions for her; the assessor, who represents a rich and grasping monopoly, may not hope to get from her a correct income return. She means to obey all the commandments, but is powerless to apply a principle to a case not laid down in the Bible. Women more upright than this one, make to their husbands suggestions about public or business honesty, about as practical as the remedy for starvation given by a French princess long ago.

"Be honest, be true," says the mother to her little boy. He thinks of her in after life with love and reverence, but too often with no intelligent obedience. Beset with the bitterly hard questions of life, he thinks that ideal goodness is only for women in secluded homes. The many small compromises that the years have extorted from him have blurred his vision; right and wrong shade into each other till he cannot tell them apart; the primary colors of the commandments are too crude for his refined tastes, their hard outlines too uncompromising. He might have been taught long ago by that mother, that goodness is not simply aspiration, nor even firm resolve, but must include the patient application of principle to obscure questions.

Strong as the influence of good women has been, stronger will it be when allied with that knowledge which saves goodness from the sneer of the practical.

Our love of thrift is shocked at gaining the minimum of result with the maximum of expenditure. Europe no longer flings on the unbelieving East a million men to reclaim the sepulchre of her Saviour, having as sole reward an outlet for a beautiful, vague emotion. We mourn that the prayers and tears of an army of good women could close Ohio dram-shops but for a few months.

We hear that women will reform politics; not till they are wiser, — the power they now have must be reinforced by knowledge.

When the mother can teach her boy to vote, then she may vote herself without simply doubling the present system of error.

Our fourth requirement will be suggested, when we reflect that half the tangles of human life come from an imperfect knowledge of human nature, even in its simplest aspects. What little knowledge we have circumstances have thrust upon us. The successful man or woman of the future must not do such blundering work. We say human life and character is mysterious, but its mystery is often that which we find in a new machine,—it wholly or partially disappears on examination. Appalled by disclosures of wickedness in high places, we say we cannot tell when our most trusted friend may fail us. That is as absurd in kind, though not in degree, as for an engineer to say that his engine may blow up at any time; there is something so mysterious about iron and steam, there's just no use in studying it. Many things, good and bad, are constantly surprising us that ought not to surprise us. The man who masters tendencies, who knows good and evil in the bud, has a mighty advantage over his duller neighbor. The student who would study and apply any principles in social science must have this knowledge of human nature. He must know how to gather statistics and allow for his own personal equation or that of his informant. A woman adores her husband, and you know him to be vile. She says, "I do not let George play with the Jackson boys," while you know that the Jackson boys are much more apt to be contaminated by George. You say it is a pity to open her eyes. Yes; for she could not now cope with the facts; but knowledge is power, here as elsewhere. Ignorance and weakness have a charm not their own when found in very charming people. They are bad all the same.

Another requirement is this: the woman of the next generation must not come upon practical questions without discipline in thinking them out. It is ludicrous and pathetic to hear a group of bright women discuss their hygienic and domestic requirements. One has read an enthusiastic magazine article on bathing and proper dressing. She begins with vigor to administer every kind of bath she can hear of, and soon meets the rebellion and ridicule of an overwashed family. Her crude attempts in shoulder-straps and health-waists disgust her daughters, and give them a violent prejudice against the hateful word — reform. Her doctor says she is overdoing it; her sister-in-law laughs at her. Finally she gives it all

up and settles back into worse than her mother's ways. Her undisciplined powers could not cope with the difficulties she met. She was powerless to take what she needed from varying advice; to persevere, try experiments, note results, and by a tedious process arrive at the true solution.

Another woman is swamped by this question. Moved by advice or reading, she has laid down a long list of shall-nots to her children. You shall not read novels, you shall not play with such and such children. She reaps a crop of deceit and rebellion. She has not had the skill, the patience, to replace a bad pleasure with a good one and make the child content. The best-meaning, the brightest, the most suggestive women fail in plans that require the patience and persistence of years to prove.

But who shall say that women of average ability may not be early fortified to meet and conquer these and more difficult questions. When we realize the need of well trained powers, that old maxim, "As the twig is bent so the tree's inclined," has an almost frightful significance, and equally frightful is the easy-going indifference to it which we find even among thoughtful men and women. They seem to fancy that some miracle is wrought by marriage or business responsibilities that equips the young person for life as Cinderella for the Prince's ball.

But how hopeful we may grow when we consider that these requirements of character, which would surely make life better and happier, are all within the reach of training! We ask of nature no divine dowry, as for the artist or musician. We know that even that most precious of qualities — good judgment — that perfect balance of even moderate parts, comes largely from study of life and repression of prejudice. We know that we more easily find other great and good qualities in our friends than that which we call level-headedness. It is rarer than learning, rarer than considerable attainment in art. If we may believe historians, it was more common before the days of specialties, and when life was simpler. Meeting this ype of character in the Elizabethan age, Tyler calls it "spacious, strong, refined, and sane." We hear of specialties in every other direction, but good citizenship shows a larger demand and a poorer supply than any we know.

Then character is largely the result of training; it is equally true that this training must begin early. The understanding of life that gives true value to health and to habits that shall leave the atten-

tion free for things that must be thought out, insight into human nature, and practice in thinking out hard questions, must all be started early or not at all.

We have seen that the older people of a community are little likely to get radically new ideas and act on them. An old politician talks with you about honesty in politics. He seems open to conviction, but tomorrow, following the habits of a life time, he manipulates his little part of the machine in the same old way. A bigoted church woman will admit on pressure that those out of her communion may be saved, but it makes her conduct not a whit more broad or charitable. Any change of view that radically affects conduct is rare after a person has well settled into his thirties. The development that goes on in middle life may be rapid, but it is in lines started earlier. We know that, whatever seeming exceptions there may be, this is the law of mental, as well as physical groth.

Now, since this type of character, which we have called the good citizen, is within the reach of training, and since this training must be done early, it comes within the sphere of home and school life,—it falls to mother or teacher, or both. Examine their qualifications for the work. That must settle it, since, with all our talk about division of labor, the boundary lines here are in a very unsettled condition. As for the mothers, the only ones who have the requisite earnestness for the task are already awake to a hundred questions that require of them better experience, insight, and training than they possess. What wifehood may be, but so rarely is, many a woman has seen in vision; the freshness and insight of her early married years and her maturer powers are needed for its attempted fulfilment. Wife, mother, friend, mean vastly more than they did in Abigail Adams's time.

Mrs. Livermore, in her lecture on the health of girls, points to the great number of women now in middle life who are invalids. "Such a useful woman" we hear, "but health gone ten years ago." It is easily explained. Twenty years ago women were more ignorant of physiology than now, and the enthusiasm with which they answered to new demands on time and heart and mind drained the vitality; new charities without a limit of possible evil in their bright beginnings; new reading, ill classified and criticised, but all urgent; vague hints abroad as to better training of children; rapid changes in fashion of dress, one of the many forms of ignorant extravagance following the war. Add to this a limited family

income, and what wonder that a woman of spirit and ambition sank under the burden? And now, with a clearing up in some of these directions, we find growing complexity in others; what spurs to ambition, what clear glimpses of what we cannot attain! Perhaps the woman of the future can do it, that woman who shall have both clear brain and large heart, and whose physical vitality shall be so rich as to answer every demand upon it and leave enough for joyous life; but the mothers that we know will only in rare cases have the time, the patience, and the insight for this special training of their children. They must have help in carrying this part of their heavy burden, and it must come from the teacher.

Can the teacher do it? She must, or come far short of what is reasonably demanded of her. I say "she," for I believe that women have done far more of this work than men. This I say, knowing well that it will be a long time before women will compete evenly with men in exactness of scholarship, and in some other things necessary in the first-class teacher; but anything that makes life easier, better or happier, has a keen interest for a woman; she generalizes from facts amassed by others, and applies her conclusions to life.

The teacher has some facilities that the mother has not. First, her regular class teaching is her lever, and a powerful one if she can learn to use it. Again, she is not warped by that personal interest that shows to the mother her child's conduct in all fair colors; she is not hampered by the wearing intimacy of home life; we know that few mothers and daughters escape a period, long or short, when they are far apart in sympathy, and any stranger would be more apt to receive the girl's confidence. Then, too, she has many natures to study, — she can compare and learn in a way impossible in the narrower home life. And there is a gain in this way; we should be more likely to find one teacher of special aptitude and fine character who could do this work with fifty girls, than to find the fifty mothers all equal to it. The ideal way is for mother and teacher to work in perfect accord; but if this cannot be, the teacher learns to construct out of various small signs the whole home influence, and can allow for it.

Just how are the schools to do these great things? How, for instance, will the studies of the young girl give her insight, good judgment, eagerness to know the truth, — however disagreeable, — and teach her to require great things of those who shall be dear to

her in the coming years, and to know how to help them to their attainment?

Of course we must leave far behind us any talk about text-book cramming, — that is such poor work as to hardly be called teaching. But even discipline of mind is not enough; we must show the student how to apply this still crude power to the solving of questions that he must meet, just as by training the hand of the mechanic we give a new value to simple muscular strength; that is, we must anticipate for the student some life-questions, and bring them before him while he can yet study them from the outside, and without too intense a personal interest in their issue.

We know that the study of Latin has failed of its true value if it has not taught the boy or girl exhaustive thoroughness of research, — a habit of applying the mind to one subject, and one only, for a given time; that science classes must give habits of original investigation, or they will add little to the pleasures and acquirements of every-day life; we even dream of the time when mathematics will give practical power to hunt down a fallacy, to know instinctively where there is a factor missing, and, though unable to supply it, to refuse assent to a conclusion gained without it. I would go further, give the most concrete of applications, the homeliest of illustrations and talks. Said a hard student: "If I should go into business, I could make an honest fortune before I am fifty. Why! how many business men do we know who work as we do in learning a Latin lesson,— chasing their roots along through their German and French derivatives, hunting in a half-dozen grammars for fine points of construction, and reading the best translations of a passage. Apply such work to the selection and pursuit of a business, and it makes a successful man." I should like to see the real truth contained in this somewhat too-confident statement applied in a Latin class, with illustrations. I would prophesy better application next day, and a better understanding of the value of habit.

I should consider a history teacher a failure who could not apply, with true discrimination, the lessons of the past to the present. Great opportunities are in her hands. Some boys say frankly that they think Leonidas was a fool to stay in the pass of Thermopylæ, if there was a ghost of a chance of getting away. They give you an opportunity to attack the dreadful *nil admirari* tendency of these young people. Their instinctive question is, — does it pay?

There are some kinds of pay not in their currency at all, and which you can put there. A boy decides that Mohammed was a bad man, because he compelled people to live according to his religion. A girl promptly confounds him with the question: "What about the Puritans?" Will you encourage fair play? Will you insist that they see for themselves that the Protestants were not all right, and the Catholics all wrong, at the Reformation — and since?

The subject of the relations of Church and State gives opportunity for frank talk about the modern minister and the remnants of secular power he possesses. Are we on dangerous ground? I have seen this position taken in a frank and fearless way. "My young friends, our very instinct is this; 'Orthodoxy is my doxy,' whether it be in religion, politics, friendship, family relations, our own opinion, our practice is best in every respect. We know this is false; we laugh at it in other people; it will stand in the way of our advancement unless we get rid of it. Seek the truth and when it is proven accept it; but remembering this always, that what is now accepted as truth, is the sum of what the world has learned up to this time, and is not to be thoughtlessly rejected."

Perhaps a Civil Government class gives the best illustrations. A teacher may find pure delight in concealing from a class, as long as possible, that Hamilton and Jefferson were the antecedents of any present political parties, and carefully note their unbiased judgments of the two; and then when the fact has come to their knowledge, and they have cooled or warmed towards those great men in strict accordance with the political creeds of their respective fathers, then give them ridicule unstinted. Their keen sense of the ridiculous cannot resist it. They are not yet manipulating caucuses in their own interests, their vote is of only prospective value, their love of fair play has not yet been blunted. Now is the time for such lessons. The Genet case, in Washington's time, I have known to give occasion for the most practical of talks about being swept off one's feet by the excitement of the moment, and this in time for next fall's campaign, campaign lies and bitterness.

If they have any undue worship of revolutionary heroes, and think that old-time politics were pure — the Gerrymandering business of 1804 will be a salutary lesson. The inordinate American self-conceit has a fine chance of it in the study of the English Constitution and Parliament, unless, from indolence, the teacher neglects to work up any comparison. Of curious interest is the

development of the spoils system in this country, but robbed of half its value, if with it there be not diligent newspaper study of the present condition of the Civil Service and the principles involved in its reform. Girls in such a class find they are ignorant as compared with boys; half of them have no habit of reading even the most important things in a daily or weekly paper; they come out with their bright guesses and intuitions, and are promptly met by facts. Slowly they see the great principles involved, the way men's souls are tried in the stress of public life; they feel the pleasure that comes from a dawning comprehension and mastery of these principles. They should go out with some habits of reading and investigation, and a genuine interest that will, in time, make them able to give sound principles to their sons, principles which will not be cast aside in later years as Utopian and womanish.

Suppose you are interested in co-education, to see whether, after fair trial, it will stand? Can you do a better thing for a half dozen girls who are entering a great university, as Michigan, than to help them think out, in every detail, what shall be their best course as to habits of study, laws for health-keeping, and how much, or how little they shall see of gentleman's society? If you can influence them to hold steadily to what you have together decided is the best course, you have helped toward that definite life planning, of which we have seen there is so little, and through them have contributed toward the successful working out of a question that the world is waiting to see proved. In regular class work, in composition work, and in occasional talks, much, very much can be done by the teacher who has a vivid interest in the home life and future usefulness of these young people.

For the most part, as these illustrations will show, we must labor to reduce prejudice, to make them fair-minded. But they will get no more profit from general moralizing, than does the average congregation from sermons on the sins of the Jews. On every subject, by question and discussion, and homely application, again, and again, and again, they must be shown that their constant tendency is to believe that their side of justice's scale weighs the heavier. This lesson must be burned into them,—the necessity of fairness, generosity. We could thus remedy three-fourths of the false reasonings we see, and the ignorant security in a family, church, or party opinion that comes to us ready made. The open mind is the beginning of all true seeing.

Sometimes rapidly, more often very slowly, these young people can gain a reverence for the stern laws that govern the world through cause and effect, and which show us their eternal beauty only by long acquaintance early begun; such a discernment of true things that they cannot abide, in themselves, inaccuracies, half-truths and self-deceptions; the power to look human facts in the face, as they come to them in their experience, without asperity or self-conceit, or too great self-consciousness; they can, at least, begin to see that all the happiness in the world comes from squaring our lives with the laws of the universe, and that as man ever seeks happiness, he will more and more seek to know and obey those laws, and that to patiently study them in their spiritual and physical relations, gives a happiness that increases with time. One of the best things that can be done for boys and girls, is to give them some idea of the serene pleasures that may come to them after their youth is past. In that view, health, habits, the surrender of a present pleasure for a future greater one, all have new meaning.

We come now to the greatest foe that this best of school work has to meet. It is here that home-life and school-life sometimes come into collision.

But, to begin with. If in class recitations, the previous mastering of text-book helps could be more taken for granted, and the time largely used in examining what each one has built on that foundation by personal observation, the results of outside reading and the many applications that could be made to daily life, then lesson learning and reciting would be a much more natural, and, therefore, less exhausting business. If the faculties of memory and abstract reasoning, now chiefly used in lesson learning, were constantly supplemented by this more varied work, it becomes plain that it is safe and wise to give to it more hours of a student's time, and it will need that absorbing interest always necessary to first-class work.

Suppose in a city or large town, a high school capable of doing this kind of work, its chief hindrance is what we may call, the "let-alone" way of bringing up children. How prevalent this is, none but school-teachers know. The let-alone method is very easy, and quite relieves the parent of responsibility. It consists in allowing the young people to choose their own friends, their own amusements, their own study hours, their own way of caring for their

health. The parents trust vaguely in some talk they have heard about the divine instincts of childhood, not knowing that the really divine impulses they ignore and neglect, and that they exalt to that high rank, very common desires and naughtinesses. The parent says that the chances this world affords of going wrong, are quite past calculation, any way; one way of bringing up is as apt to turn out well as another. Witness this boy or that girl. A woman says about influencing her daughter in a matrimonial project: "If I should help to break this up, she might marry a worse man, and then how I'd feel!" Another says, "Yes, Hattie is n't well, she looks real thin; I think she reads too many stories. After she's got her lessons, she sits up nights and reads 'em, till twelve or one o'clock, I guess. I wake up and say time and again, 'Now, Hattie do put out that light and go to bed,' but she's a great reader, Hattie is,—so was her father."

The most intimate friendships are formed without the knowledge or concern of the parents, who, if indulgent, are in the constant attitude of "Run along dear and have a good time." "Sorrow will come soon enough," they sigh, "be happy while you may." "Yes, youth is the time to enjoy," echoes the girl, and no wonder that she shams sickness to stay at home from school and finish a party dress. Convinced as they are that at twenty, or at most thirty, a pall of middle-age care and dulness will settle upon them, and with no idea of a happiness other than that which they have, they certainly show good sense in getting all they can out of the present.

Another class of parents who follow the let-alone system are not indulgent. They use much futile remonstrance and give commands that they have no means of enforcing, and they scornfully ignore that young life has any needs or longings that older life has outgrown. To be susceptible is in their eyes a crime or a disgrace, and the boy or girl full of romance, and with every sense atingle with the delight of being alive, suffers agonies at the scornful teasing dealt out at the breakfast-table, and silently cuts the last strand of that precious bond of sympathy with father and mother that will be so needed in the years to come. In either case the child succeeds, openly or by deceit, in doing very much as he or she pleases. These parents grew up in the same fashion, were unconscious just how circumstances taught them some useful lessons, are unconscious now of the crystalizing process going on within themselves which, each year, fixes them more firmly in habits of sordidness,

fretfulness, or that pulpy condition so hopeless of change; their knowledge of life is too flabby to put at the disposal of their children. Add to this, indolence and a superstitious feeling about taking away a pleasure from those to whom sorrow will come soon any way, and the let-alone system is fully explained.

Now, what do the boys and girls think of it? They believe in good times and plenty of them, that is, all of them do who are going to amount to anything; and as no one seems to have anything better to offer they follow their own devices. Especially do they believe in having their good times together. They have heard Robert Collyer lecture on the aforesaid divine instincts of youth and have heard him put eloquently his theory that young people should marry if they want to, without too great care for that future which is in the hands of a loving Providence.. They have read "Little Women," and see nothing Utopian in the free relations existing between the delightful young people there described, nor are they struck with the fact that the school life of the March girls is an unknown or nebulous quantity; and since ordinary children have not inherited from philosophers a habit of knowing, some little time may be required for school, as well as for the obvious duty of enjoying themselves. Any way, they consider these good times their right; surprise-parties, picnics, sleigh-rides, the skating-rink, social clubs; all the pleasant round must not be too much interrupted by school. Just here there is a collision between the student and the teacher. There are firm convictions on both sides, and they do not agree.

One of two things will happen. A successful rebellion, directed especially against any work not included in the text-book, will bring teachers to terms, and little out-of-school work will be required; or the students will yield gradually to patient management, stimulus of the best kind, and wise coöperation with parents, and the social requirements will be made subservient to those of school, at least for nine months of the year. In the latter case, the grade of the school will be raised far above the schools of surrounding towns.

There is much said about over-work in schools. It is a question for good physicians to settle, when they have become possessed of all the facts. In too many cases they have decided without considering the out-of-school habits of boys and girls, and especially their absorption in what they already begin to call society.

In boarding-school, I well remember that most who went home

sick of that interesting malady, were really sick from boxes of fruit-cake sent from home, silly reading and dressing, little bathing and less walking; and in public schools, the cases could most of them be as easily explained.

From four high schools that I have watched, I gather these facts: Out of thirty-four girls, all under eighteen, who at different times left school on the plea of ill-health, six were of really delicate health, but could have been saved from breaking down by better care and the dropping of one study; two others were really sick,—evident cause, pressure of home cares; about one-half the remainder were not sick at all, and used the plea to escape from school to the attractions of society; the remaining twelve were, indeed, out of health, and it was distinctly traceable to parties of various kinds, late hours and excitement. From the same lists I count up twenty others who contrived to remain in school, but whose work was greatly injured by the same causes.

Of the boys, I cannot give like statistics; my memory is, that they were in general of more stolid make, and would contrive in some way to get needed sleep and exercise; if anything suffered it was the lessons. Few parents seem to think that during several years, school is the business of the boy and girl, and other things must bend to that. If a city clerk at the end of his day's work of ten or twelve hours, spends his nights in dissipation, and is broken at the end of the season, we do not say that hard work was the cause of it. Study is not the most exciting part of the life of the boy and girl. I believe it has a serene and steadying effect, directing the attention away from the personal development, while much promiscuous society but emphasizes the fact of sex, likely to engage them too much at best.

So this let-alone system, giving as it does free scope to the young person's own interpretation of "good times," must interfere sadly with that higher training which requires the undivided interest of the student, and the perfect obedience which the home life may help or hinder.

We hear this objection: that life alone can teach life lessons to these boys and girls; that we must not press theories too far, our blundering may spoil it all. Yes, so out of a million shad left to their own devices in the upper waters of a river, a thousand may reach the sea; the fish breeder saves a far larger percentage. Careful methods are in the end the best, or the progenitors of

best; the more one generation can learn of the one before it, the greater advances we make from barbarism.

Like to this is the easy conclusion, so familiar to us, that if things do go wrong now, they'll come out all right. A girl has made the town talk and stare with her flirtations, her idleness, and her extravagance; she is coarse, loud, frivolous. She marries, and seems to undergo a transformation; she settles down. Her family and friends, out of their great joy that she has not gone to destruction, say: "See, she was a little wild, but it has all turned out right." But we know that nature's laws are not balked in that way; such a youth does not lay the foundation for a noble womanhood.

A pretty girl, idle and limp, is taken into the life-care of a strong and loving man, who feels, with a touch of the old time chivalry, that he is blessed if he may but care for her. Her friends heave a sigh of relief; her future seems assured. But the end is not yet; her home-life, as years go on, will show every sign of a characterless mistress.

It may be argued that even if home-life were in perfect accord with really reasonable demands made on the time of children, the teachers are rare who can be so trusted. True, but here, as elsewhere, intelligent demand brings the supply. The estimate of teachers has not been intelligent; if they are to help in this higher work with young people, their selection and training must have due reference to it.

We have seen some advantages that the teacher has; there are two things which she must not be:

1st. She must not be a slave to methods.

2nd. She must not be radical.

What of this new profession called Pedagogics? It does not, as yet, meet with much sympathy among the laity, nor has it helped to the intelligent criticism which schools need. The name, at least, is, unfortunate, for it smacks of a title long given over to derision; does it not, to the popular mind, at least, mean more of what has been wittily called the "Company front and programme business?"

In Teachers' Associations we hear a great deal about what they call methods. Now that is all right, I suppose, just as in a merchants' union, the members should compare methods of preventing bad debts; but having heard the shrewd suggestion, that what most teachers need is more to teach, rather than more ways of teaching,

we look in these associations for much eloquent pleading for culture for its own sake. We do not find it. There is some talk about learning in order to teach, but that is an unworthy estimate of the worth of knowledge. I fill up in order to draw out; then, of course, the cup I will never let brim over; that is waste; but the overflow has in it the precious drops; the handful added to the legally full measure is worth all that is underneath. To work simply for a definite end near in view, is to defeat that end. We work for a distant, perhaps an unattainable ideal, and the intermediate steps are ours with an understanding possession that we never otherwise would have had. It is a miserable utilitarian idea, to value all we get only by what it will pay us in the using. It is like the woman who reads the reviews only to show off at the dinner-table. It is like the artist who studies the landscape only to paint it; something he misses, something more precious than what he gets. So we must learn and live, and fill without measuring, and give again without measuring; and none needs to learn this more than the teacher. With this fulness in herself she can help these young people through their studies to think out their life-questions, and the methods will take care of themselves.

Again, we must not be radical. In radical there is a suggestion of rawness. Well tried things are better to give to untried minds; and we must not lose the confidence of the conservative fathers and mothers, who, though perhaps not quick enough to catch the value of new ideas, have yet shown us the best in the old ones, working out in sweet and decorous lives; and they have in their households the children who are most apt to fulfil our hopes of future citizens.

V. THE AMERICAN NEWSPAPER AND AMERICAN EDUCATION.

BY DR. J. M. GREGORY, OF CHICAGO.

(Read September 8, 1880.)

The American newspaper is the best index of American life. It is the fairest representative of the American people. Whoever would form a correct estimate of the spirit, genius and life of Americans must study carefully the various newspapers of our country. Our virtues and our vices, our thoughts and our opinions, our politics and our trade, our push and our pride, our weakness and our strength, our creeds, customs and civilization are all imaged in our innumerable periodical publications.

The American newspaper press has no rival on earth in the volume and variety of its issues. It is asserted by good authority that the United States publish more newspapers than all other nations taken together. Were I now describing to a body of foreigners the extent of our newspaper issues I should awaken profound attention, if not also profound incredulity. Counting dailies, weeklies, semi-weeklies and tri-weeklies, more than eight thousand different newspapers appear each week from our newspaper press. More than a thousand millions of copies of these papers are circulated annually.

The variety of these papers almost equals their volume. The entire field of human thought and human interests is covered by them. No party but has its organ; no creed without its advocate. Every science and art has its medium; every department of business, manufacture and trade its advertiser. Social, scientific, moral, educational, religious, political and charitable societies and organizations publish newspapers devoted to their interests, and filled with their ideas.

But to state the number and variety of our newspapers would not tell the whole story of the power of the newspaper press. One must note well the great army of writers who help to fill their columns. The long roll of editors, assistants, reporters, correspondents, critics, locals or items men, and contributors of all kinds, paid and unpaid, includes a large proportion of the talent of the country. The American who never writes for the papers is low down in the scale of intelligence. The regular writers for the newspapers of this country probably exceed 25,000 in number.

The best brain of the nation speaks through the newspaper press. The latest and freshest thought of the people is to be sought in the last paper issued. Doubtless malice and meanness, fanaticism and folly, falsehood and fraud, also find their way into the columns of the newspapers. They mix with our daily life and cannot be shut out of the utterances of the daily press. But truth and wisdom, practical sense and the love of public good, solid learning and courageous criticism are there in such force that we may easily forget, if not safely neglect, the bad elements which mingle with them. And who has not noticed the steady and marked improvement in our papers, both in moral tone and in literary taste and power? We must still deplore that so much finds its way into the columns of our political papers which we cannot wisely admit to our families. We may also condemn without stint the falsehood and vituperation with which some of these papers needlessly embitter our great political struggles, — making of them warlike "campaigns," instead of grave and serious civic contests for principles and good government, as they ought to be. But these serious defects of our press the newspaper men deplore, and only a public sentiment, more educated and intelligent, can correct.

It is not my purpose to eulogize the press, much less to malign it; it is the business of social science to take account of all great public forces, to mark their exact character and tendencies, and to learn the amount and direction of their power for good or evil. The American newspaper is at once the product and exponent of the American mind; no better, no worse. The good exceeds the bad in the newspapers, perhaps, in larger proportion than among the people, for vices seek seclusion, not publicity.

In no other country does the newspaper exercise such power as in America. Americans live, work and think through the newspaper. Side by side with us, it marches along the pathways of our daily life, recording our doings, criticising our plans, acting as a public conscience, and placing its seal of shame or honor upon each chapter of our history as it transpires. Its presence is so obvious and obtrusive that no American forgets it, and men look to it as to another Providence, watching to reward their good deeds and punish the bad. Good men trust it as the arm of public power, and bad men fear it as the voice of public retribution. What wonder if it sometimes abuses this power to terrorize its antagonists, or those who have incurred the ire of its editors.

In great public crises and causes, its daily or weekly issues are battles, — battles none the less because its fire is delivered in silence. The battles of words and thoughts precede and determine the battle of votes. The victory is often lost or won before the dawn of the day which declares the result.

The power of the newspaper is not the mere force of so much printed thought. It is the embodied power of the public life of the day. The presence of the millions of readers is felt behind the paper. Each reader feels that he is surrounded by an unseen multitude who are reading the same lines, and he even grows excited with the imagined responses of the great public to the words which are passing silently under his eyes. Though now the words of the writer alone, he knows that speedily they will be the words of a great multitude of readers. All the forces of current history pour themselves through the columns of the newspaper. All that stirs the people, all that touches the passions, the fears, the faiths, the hopes of mankind,—all these seek utterance through the press. The newspaper is the tongue of the nation, of the age. It is the speech of masses and communities.

Force never remains idle. In earth or sky, in mind or matter, whenever a great force is abroad great results follow. It is impossible that so gigantic a force as that of the American newspaper press shall exist in such a country as ours without exerting a corresponding gigantic influence upon the character, affairs and destinies of the entire people. It cannot abdicate this power, and it must therefore be held strictly to account for the good or ill of its exercise.

All things educate us. Country and climate, scenery and society, business and pleasures, life's daily doings and daily encounters, all environments of matter or mind exert upon us silent, it may be, but plastic power. The newspaper voices all environments, and brings the educating force of them all to bear with an intenser powerfulness upon our minds and characters.

None will doubt or deny the influence of the American press on the American people, though few have profoundly considered its depth and extent. It is more than an influence; it is an education. Our free schools educate our children; but the newspaper is the school of American manhood. The free press is the necessary complement of the free school. Without the schools the press would lack readers. Without the press, the scholarship gained would fail of half its uses.

Before noting analytically the educating work of the newspapers, it is just, if not needful, to mention some other aspects of these papers, which lie in other directions, and which are necessary to their existence.

1. The newspaper is, first of all, a business enterprise. Publishers make newspapers to sell, just as hatters make hats, or shoemakers make shoes. The newspaper is merchandise made to suit the market. Those buy it who wish it, and the buyers take their choice of the wares offered. Without this commercial value the publication could not be sustained, and it would be as unwise as unjust not to take this fact into account. Newspaper makers, like other manufacturers, must consult popular tastes and market demand.

2. But the newspaper is also a public agent. It offers to the public, for pay, certain services, such as the advertisement of commodities, the announcement of public meetings, courts, elections, and sales. On this work, as an advertising medium and public herald, it depends for much of its support.

These are the private and personal aspects of the newspaper, and so far as these are concerned it is the private property and business affair of its publisher. But to count the newspaper as merely a business enterprise, and to reckon with it only as such, would insult the public intelligence as much as it would trifle with the public interests and rights. It assumes public functions and responsibilities which none but a public teacher can hold. We cannot absolve men from the duties attached to positions which they voluntarily occupy. But the press is the professed, if not paid, advocate of whatever set of opinions it publicly accepts. It offers its columns as sources of public information. It speaks in print, and, therefore, with a supposed deliberation, candor, and honesty, such as men use under the most solemn circumstances. It is in this public character that it enters into the ranks of the world's teachers, and becomes a public educator. We turn now to study it in this high aspect.

Education has two main elements or factors — culture or discipline and knowledge. The one comes by fit exercise or training; the other comes by whatever furnishes information — by observation, by reflection, and most of all, by reading. In the earlier and growing periods of life, the former is the more important aim of educational processes. Hence the schools lay just stress upon disciplinary studies, — just, when these studies are not exclusive or

excessive. But as life advances beyond childhood, knowledge rises in importance, and becomes finally the almost exclusive end of education. To the child the chief wants are growth and discipline; to the man, knowledge, and the power which knowledge gives. For the one, the school and the college; for the other, the library and the newspaper. For the great, busy masses, no source of information — of facts, truths, and ideas — is more accessible, cheap, and popular than the newspaper.

With all our schools we could never be an intelligent people without the newspaper. Even our books and libraries cannot so nourish and maintain the public intelligence. The newspaper is the people's library. It is the cyclopædia of the millions. The scholar and the professional man must necessarily read books. Woe to these men if they permit the newspaper to beguile them into any neglect of their professional reading. But to large majorities of the people the newspaper must and will furnish the greater part of their reading. Few can haunt the great libraries; but the newspaper pays its visits to nearly every household.

Even the fragmentary and ephemeral character of its articles lends additional charms, if not additional utility, to the newspaper, for the masses of the people. It comes to them like their daily life, an unassorted mixture of facts and fancy, of prose and poetry, of the old and the new. The freshness and variety lure the reader on, and win him into *hours* of reading where he would scarcely give *minutes* to a book. It meets the spare moments of the busy, — the odds and ends of time, with brevities which fit the leisure and feed thought.

But the newspaper has another advantage over the book for the masses of men; its topics are the topics of the day. It deals with the questions of the hour. It talks to men of their business, their political party, their church, themselves. The men it describes are their contemporaries, their neighbors, perhaps. It thus adds something of dignity to their daily lives, and turns the record of those lives into lessons of practical wisdom if not of science even. Thus, men are rescued from their dull obscurity and isolation, and made to play conscious parts in the great drama of passing history. Through the newspapers, as through living nerves, every citizen, however humble, is linked to the body of the public, and feels the thrill of every storm that smites, and every good that smiles upon it; catches the spirit of its power and greatness, and triumphs or

trembles in the mightier movements of the nation's life. Nor does the influence of the paper upon its readers stop with the limits of the national territory. It passes the seas, and places its reader in the grand parliament of the world. He sits as judge over Russian and Turk; listens to the counsellings of Bismarck and Gladstone; watches the struggles of France and Italy; penetrates the great Asiatic empires, and becomes in sympathy a citizen of the world. Sitting at his own humble fireside, he takes large account of the common humanity. Who can doubt that the man himself becomes larger and stronger for these ideas, this daily outlook upon the grander movements of the habitable globe?

We mount higher in our view. The newspaper of today chronicles the movements of thought as well as the movements of men and nations. It records for its readers the triumphs of science, and of art. It lectures to them upon the new literature and learning. It becomes the people's university. In its columns, as in lecture halls, is taught the latest history, the newest politics and state-craft. The freshest discoveries and theories in science, the latest triumphs of invention in the arts, the last decisions in law, the problems of political economy, the investigations of medical science, the most advanced thought in sociology, philosophy, and theology, the great movements in commerce, agriculture, and manufacting arts, the movements of population, the growth of cities, the changes in governments, and all that belongs to the progress of man or of mind, find place in these perpetual schools and text-books of popular and life-long learning.

An appeal to facts would not discredit this estimate of the educating power of the newspaper press. Other things being equal, the man or family who takes and reads a good newspaper will be more intelligent than his neighbors who do not. The community in which the most newspapers are circulated will be found the most educated and enlightened. All will not learn everything that the newspaper teaches. Only a few attain the highest rank of scholarship in any school; but somewhere, in the great current and volume of the public mind, the manifold work of the press will show its fruits in each and every department of intelligence. Sift from the American people the foreign importations of non-reading masses, and the remainder will be found the best read and most intelligent population on the globe. As before stated, the American newspapers outnumber and outrank, with a few conspicuous exceptions,

those of all other countries combined. Amending the old motto, we may read, "like papers, like people."

Let us be clearly understood. We do not advocate the newspaper as a substitute for schools, but as a complement of the schools. It can never supply the personal instruction needed by little children, the thorough drill in elements needed by all, nor the complete and systematic statement and instruction in science, literature or art, which it is the business of the higher schools to give. But it can add power and efficiency to all these, and, above all, it can continue the education of all classes when the school days are done.

We come now to our culminating thought, to the practical conclusion of our long argument, to the duty of American newspapers towards American education. And we may advance to this point the more easily because of the known and natural sympathy of the newspapers of this country for the educational system of the country.

Education has been from the outset one of the declared public objects of the American States. In the public mind of this country, there is a deep-seated conviction that education is one of the great blessings of human life, that it is the main support of civil society and government, and that it is the chief force in practical and profitable civilization. Let the average American citizen take careful account of his beliefs regarding education, and he will admit the truth of this statement. The American press does not, and will not, misrepresent the American people. With the miserable exception of some bitter malcontent here and there, the writers of the press have given hearty and intelligent support to our institutions of learning, high and low.

The papers have also freely published educational news and essays, but they can do more. They ought to do more. They occupy a vantage ground, from which they can lend to the American school systems a force which these systems can never hope to attain without such aid. In an important degree the newspapers of America hold its school interests in their hands. Let them treat public education as they do every other great public enterprise and concernment. Each great public interest has its representative in the corps of editors of our great metropolitan papers. They have their political editor, their commercial editor, their literary editor, their agricultural editor, their law reporter, and so on through every

line of public movement. Let them add now a competent educational editor or reporter, one whose thorough and practical knowledge of his field shall enable him to gather and sift educational news, to explain and criticise educational facts and theories, to answer wisely educational questions from whatever source, and to put into common and public speech the educational feeling and thought of his age. Such a writer will call forth other writers and observers. The small papers will follow the lead of the great metropolitan sheets, and there will be poured into the schools of the country the same spirit of energy and of improvement which the press has awakened in other public interests. Let the sharp, but intelligent criticisms of these educational editors be exerted upon our schools, and we shall no longer need or fear the occasional assaults which have of late half alarmed and half amused us by their half truths and half falsehoods. With such aid from the American newspapers, the American schools could be made to render double for the immense outlays of time, money and talent expended upon them.

The press thus directed and the school system thus newly inspired will mutually react. The papers will, as they ought, find their way into the school-rooms. The schools will be taught their uses, and will furnish them more interested and intelligent readers. In this mighty problem of the adequate education of our citizenship — a problem growing daily more important to the public — no new force seems nearer or fuller of promise than this. Let this gigantic array of the newspapers of America be set fully upon this work of popular education. Let the schools in turn introduce the newspaper among their text-books; let the children of the nation be taught to read these papers intelligently, thoughtfully, and critically, and we have at work in the press of this country, an agency never surpassed for the education of an enlightened free people.

NOTE. Although out of course in the order of time, it has been thought best to present here another view of the American newspaper, in the Essay of Mr. Godkin, which follows.

LIBEL AND ITS LEGAL REMEDY.

BY E. L. GODKIN, ESQ., OF NEW YORK.

(Read September 9, 1880.)

The subject of libel and its restraint by legal penalty is one of immense difficulty both in England and the United States, owing to the *rôle* which has been assigned in both countries to public opinion as represented by, or embodied in, the newspaper press. Restriction on the free expression of opinion through the press, and on the criticism in writing of public officers, is associated in all the best political traditions of the Anglo-Saxon race, with attempts to establish or maintain arbitrary government. As a consequence of this, it has been the policy of legislation, ever since the triumph of what may be called liberalism, — that is in this country, ever since the Revolution, and in England, ever since 1815, — to encourage the press not to be afraid; to speak its mind freely about persons and things, and indeed, one may almost say, to take great risks in the matter of libelling, both as a sign and guarantee of freedom. An enumeration of the changes made in the law in both countries within the last century, in the direction of protecting and even stimulating newspaper boldness, would make it appear clearly enough that the press is not solely to blame for its own faults in the matter of excess. The tendency to excess has been fostered, and the proper legal treatment of libel made more difficult, in other ways also. As the influence of authority, whether in the form of religious belief, or of high social or official station, has grown weaker, we have come more and more to rely, for the sanction of our social morality, on the strong concentration of public opinion. This concentration of opinion against violators of received social morality is wrought mainly by the newspapers, and in fact, not to put too fine a point upon it, consists largely in what is familiarly known as "newspaper attacks." Thousands, if not millions, of good men sleep more comfortably because they think the newspapers are looking after the bad men, or at all events after the men they themselves do not like. Then, too, the newspaper press is placed in democratic countries which have adopted the system of frequent elections and short terms of office, in a position of great responsibility. It has been charged in these countries with that function of inspection and investigation towards

public servants which seems to be called for under all governments at the hands of some person, or body of persons, outside the regular administrative machine. Under the old monarchical *régime*, the sovereign discharged, or was supposed to discharge, the duty of seeing that "none but good men got into office," to use a now familiar phrase, and that men in office did their duty. This task, which is probably as important as any that a civilized society is called on to provide for, has in this country and in England been turned over to the newspaper editors, who are, in reality, a body of volunteer inspectors, who have to earn their bread by what we may call outside work, while serving the public. That is to say, they have to live by collecting and selling news, while devoting a large part of their time to watching and reporting on the character and conduct of public officers, from legislators to policemen. The contrivance is undoubtedly a clumsy one, and the work only indifferently done, but it is done under great difficulties, and no other mode of doing it has yet been thought of.

The only really efficient examination of the character of candidates for office is made by the press, and the most powerful check, though not by any means the only one, in official misconduct, is the inquisitiveness and railing of the newspapers. This is, perhaps, not an admirable system of inspection, much less an ideal one, but it is the only one as yet devised, and it may be said that without it popular government, by frequent election, would hardly be possible in our time. Newspapers, however, could not, or would not, do this work if kept under close legal restraint. As a matter of fact, they are virtually exempt by law or opinion from all check in the matter of criticism of official persons. The public virtually says to them, "Say everything that comes into your head about men in office; some of it, at least, will probably be true, and our interest will be served by having the truth come out in any shape."

So that, for one reason or another, there is probably no legal line more difficult to draw than the line between what we call the freedom and the license of the press. A timid press would be useless as an exposer of abuses; a licentious press, on the other hand, causes great individual suffering. Three generations of lawyers and statesmen, here, and in England, have been trying to make up their minds which of the two they prefer, and in what manner they can best secure the object of their choice, but without much success.

We have talked thus far as if all libelling were done by newspapers. For the purposes of this paper, at all events, we will assume this to be true. Slander, or spoken defamation, contains in the eye of the law the same ingredients as a libel, but to become a libel, it has to be written or printed and put in circulation. It once figured prominently in the law reports, but is now very seldom the subject of legal pursuit. People care comparatively little what evil is said of them, as long as "it does not get into the papers," as the phrase is.

So much of whatever libelling is done in our time is done in the newspapers, and it is so necessary, to make a libel effective, that it should appear in the newspapers, that, although, strictly speaking, it may appear in a book, pamphlet, placard, or picture, the word *libel* conveys to most minds the idea of an attack on somebody in a newspaper, and nothing else. Some, indeed, whose antipathy to the press is unusually strong, often think of newspapers as simply instruments for the dissemination of libel, and of editors as persons who make their living by concocting libels. In fact, when we consider the enormous increase in the number of newspapers which has taken place within the last half century, and the extent to which vast communities now rely on them for nearly all they know, or wish to know, of what goes on in the world outside private houses, one is forced to admit that to no art has the progress of invention and the growth of population made such additions as to the art of holding persons up to public odium or contempt. Down to the beginning of this century, the power of any one person over any other person's reputation or feelings, through what he might say or write about him, was very trifling. It could be exercised over only a very small area and within hearing of a very small number, and, as a matter of fact, a man could readily get rid of a damaged reputation by moving away a short distance.

Now what is a libel?

A libel, the books say, is a censorious, or ridiculing writing, picture or sign. It is a malicious writing, printing or sign, intended to blacken the memory of the dead, or expose the living to hatred, contempt or ridicule. It is a publication which *has a tendency* to injure a man's reputation, or disgrace or degrade him in society, or lower him in the esteem and opinion of the world; to hold him up to scorn, or make him infamous or odious; to

deprive him of the benefits of public confidence and social intercourse, or impeach his honesty, virtue or integrity, or publish his natural defects. In fact, if we were to infer the amount of protection against libel afforded by the law from the comprehensiveness and liberality of the legal definitions of libel, we should conclude that this protection was complete, and that no one was ever libelled with impunity. In truth, however, there is probably no injury to which man is exposed in civilized society from which the law does so little to protect him. There are two ways known to American and English jurisprudence of punishing a libel: you may either procure the indictment of the libeller on a criminal charge, or you may sue him in a civil action for damages. The theory on which the law grants you your remedy in either of these courses, is very instructive. If you resort to the criminal charge, the law punishes the libeller, not on the theory that his crime consisted in hurting your feelings and lowering you in the estimation of your neighbors, but on the theory that he provoked you in a manner which might have led you to commit a breach of the peace, that is, to assault him or challenge him to fight. In other words, the proceeding is *in principle* simply a means of preventing a brawl.

This was undoubtedly an advance on the earlier view, which did not regard slander as a fit subject for judicial cognizance at all, but left the slandered person to punish it by personal chastisement, and which still lingers as a curious survival of barbarism in nearly every civilized country, except England and the Northern States of the Union. At the South, there is today a strong feeling that there is something unmanly or discreditable in seeking redress for libel in the courts, instead of challenging the offender to single combat. In France a similar sentiment prevails. In fact, failure to punish a libel by combat seems, with a large portion of French society, to do a man more damage than any libel, however malignant. Mr. Hamerton, the well-known author and painter, describes, in a recent number of Macmillan's Magazine, his experience in seeking redress for a libel on him, printed in a French newspaper, in the city near which he was residing. He called on "a wise old lawyer" about bringing an action for libel. Said the lawyer at once, "Nobody expects you to fight the editor; it would be doing him far too much honor; but you might, perhaps, challenge one of the highly respectable gentlemen who keep the paper agoing with their money, and pay the editor to do their dirty work.

You might be able to get at one of them, I dare say, if it were agreeable to you." Mr. Hamerton thereupon observed, that "duelling was not much in his line," and that "Englishmen did not generally fight duels." "This," he adds, "was frank but imprudent. The lawyer looked at me seriously and sadly. A gentleman who was not strongly disposed to fight a duel could scarcely, I perceived, expect to maintain a very high place in his esteem. . . . After a while he recovered from the shock, and said, 'Well, nobody expects you to fight with that rascally editor, at all events.'"

That a man of good standing should wish to consult him about *legal* proceedings for libel did not, lawyer though he was, at first occur to him. Of course, the *theory* on which the indictment is formed, makes little difference, as long as it is laid before a jury. In practice, the jury deals with the offence as a simple injury, without considering, or being called on to consider, whether it was likely to have provoked a breach of the peace or not. But there is nevertheless a strong disinclination to punish libel as a criminal offence. Grand juries are reluctant, except in cases of great gravity and in which manifest and tangible injury has resulted, to find bills for libel. Libellers whom it is considered worth while to prosecute are often, in fact in most cases, persons with greater or less claims to social or political consideration, and the public is therefore somewhat shocked if they are sent to jail; and juries do not like to send them to jail. The punishment seems too great for the crime. In England, during the past year, one of the new class of newspapers called "society journals," which make a specialty of collecting social tittle-tattle and scandal, went so far as to make direct and very revolting attacks on two women of considerable prominence in the fashionable world, and the editor, who was an obscure adventurer, was promptly prosecuted and sentenced to a term of imprisonment with hard labor. The success of this proceeding caused forthwith a large crop of criminal prosecutions for libels of a comparatively trifling character. The consequence was a proposal — though I do not know whether any action has as yet been taken in the matter, or not — to make the approval on the part of the attorney-general necessary to the institution of criminal proceedings for libel. Here, where such proceedings are always in the hands of public prosecutors, and where grand juries take on themselves more responsibility in the

matter of finding bills, this danger of abuse of criminal prosecution is not likely to arise. In fact, the tendency is in the other direction. It may be said, indeed, that criminal treatment of libel is unsuited to our manners. Criminal proceedings must, in every country in which the jury trial exists, owe their efficacy largely to popular sympathy with the victims of a wrong. Now the great difficulty in punishing assaults on reputation in all Anglo-Saxon countries, and more especially in this, is that sympathy with the victims of this particular wrong is very deficient. One would not infer this from the amount of denunciation of slander, and the amount of lamentation over the license of the press one hears in every direction, and most people will, doubtless, at first blush, be inclined to deny it. But a little close observation of some of the phenomena of libelling will put it beyond question. When a man in good standing — and he is the only one who feels disposed to punish libel — finds his character assailed in a newspaper, his pain and mortification, unless he has been long before the public and has been hardened by it, are apt to be intense. He often suffers more, in many cases vastly more, than if he had been robbed of property. He fancies that everybody who knows him has read the libel, and has been deeply impressed by it. As he walks down the street he thinks that every eye is turned on him as the person who has been shown up by the Argus or the Cerberus. He hates to have his family see the article. He winces terribly when he meets anybody who refers to it. As a matter of fact, however, his friends care little or nothing about it. If the attack is very vituperative, they are amused by it. Unless it is supported by something in the way of documentary proof, their opinion of him is not affected by it. With the general public, who do not know him, it has simply had the effect of making the paper in which it appeared seem "spicy." It will very likely lower him in their estimation in some degree, but it makes nobody feel sorry for him. Those whom he consults as to whether he ought to take any notice of it are generally unanimous in advising him not to do so.

Finally, let me say, — and this is a suggestive fact, — some of the most prominent newspapers in the country have laid the foundation of enormous commercial success by wholesale indulgence in libel; they have found, in other words, steady and persistent attacks on the reputation of individuals to be the best mode of gaining the ear of the public and extending their circula-

tion. There could not be a more striking illustration of the feebleness of the support which the judicial machinery for the punishment of libel receives from public opinion. So that libel may be said to be the one wrong to which an individual is exposed in civilized life in which keenness of suffering does not count, either in the eye of the law or of the public, as an aggravation of the offence, and does not diffuse a vivid sense of common danger. Anglo-Saxon law, as well as Anglo-Saxon politics, has never taken much account of sentimental grievances; that is, of injury to the feelings. It cares for property greatly, and attacks on property move an Anglo-Saxon community to any needful extreme of severity in repression. It feels the deepest sympathy with the man who loses it, but it is unwilling to concern itself much about any man's mental suffering, unless he can show that he is out of pocket by it. It requires that if he is hurt, even in the deepest recesses of his nature, he shall appraise his loss in dollars and cents before the law will bestir itself in his behalf. This appears very markedly in the other remedy for libel, the civil action. If a libel attacks a man in his professional or official capacity, the law presumes that he suffers pecuniary damage from it. If it accuses a doctor of want of skill, the law assumes that he will lose patients by it. If it imputes ignorance to a lawyer, the law assumes that he will lose clients by it. If it impeaches the integrity or capacity of a public officer, the law assumes that he will suffer in his authority or influence, or in his chance of reëlection or reappointment or promotion, and accordingly awards him pecuniary compensation, the amount of which it leaves the jury to fix; though, for the reason I have already given, public officers very seldom seek redress in this way.

Supposing, however, that the libel does not touch you at all in any professional capacity, or injure you in your business, but simply assails your character as a man or woman, and yet does not charge you with an indictable offence, — that is, if it simply goes to make you ridiculous or odious, or make you "the town talk," in a way which is not likely to have any direct effect on your success in your calling, or on your authority or efficiency in some public station, — the law calls on you for proof of what is called "special damage." It asks you how much, if anything, you have lost in consequence of the libel, and holds that if you cannot show that you have suffered any pecuniary loss, or the

equivalent of pecuniary loss, through the libel, you are entitled to no compensation, and the libeller deserves no penalty. The law reports and the text-books on slander and libel are full of the strongest assertions of the doctrine that the law protects property, not reputation. "Special damage," says one of the authorities (Townshend on Slander and Libel, § 198), "consists in the loss of marriage, loss of consortium of husband and wife, loss of emoluments, profits, customers, employment, or gratuitous hospitality, or being subjected to any other inconvenience or annoyance occasioning or involving an actual or constructive pecuniary loss." "All the cases," said the judges in an action brought by a woman, "proceed on the assumption that the plaintiff has sustained some pecuniary loss in consequence of the slander. It is not sufficient that she has fallen into disgrace, contempt, and infamy, and lost her credit, reputation, and peace of mind, or the society or good opinion of her neighbors [as a consequence of the slander], unless she has been injured in her estate or property." (Woodbury *v.* Thompson, 3 N. H. 194.)

It has been held, too, that where a woman was shunned by her neighbors, and turned out of a moral reform society, she had no remedy, because she could show no "special damage." It has been held in another case, where a woman fell sick under a libel, that "as the law gives no remedy for outraged feelings or sentiments, a sickness induced by mental distress in consequence of the language published, followed by inability to transact business, or expense for medical attendance, does not constitute special damage," and that for such a libel no action would lie. (Terwilliger *v.* Wands, 17 N. Y. 54.) I have said already that editors are in popular estimation the great libellers of the day. There is probably no class of the community so much libelled,—of course by brother editors, — but they seldom or never sue for it. Indeed, an editor would have very little chance before a jury, in an action against a newspaper, so deeply rooted is the popular belief that his proper remedy is to libel back. There is one case on record, however, in which an editor did try to get damages for having his paper called a "low, ignorant, and scurrilous journal." This language, one would think, must surely be actionable, as touching his professional standing, yet the court ruled otherwise. But it held also that to say that the circulation of his paper was small *was* actionable. So it seems to be law that you do not harm an

editor by saying that he publishes a paper not worth reading, and which ought not to be read; but that if you say that very few people read it you have to pay something by way of compensation. (Heriot *v.* Stuart, 1 Esp. Cas. 457.) As if to make assurance doubly sure, the law also holds that the mere apprehension of special damage shall not entitle you to redress. It is not enough that the libel makes you *fear* that it may cause you damage, or that disinterested persons, like a jury, may consider your fear well founded. The damage must have actually occurred as the direct and *provable* consequence of the defamatory language of the libel.

It is to be said for this special-damage rule that it prevents the bringing of suits for trifling causes, and in the days before libel, when people sometimes brought each other into court for mere street abuse, it may have been very useful in saving the time of judges and juries from being wasted on trumpery quarrels. But the invention of the daily newspaper has introduced an aggravation of libel, or rather a new form of libel, for which the special-damage rule bars all remedy; I mean the aggravation which results from *repetition*. There are a thousand taunts, jeers, imputations, insinuations, and epithets which, if only flung out against a man *once* in the columns of the newspapers, will cause him, if a man of sense, little concern, and will attract but little notice, but which, if repeated day after day, or even very frequently, will occasion him and his family the acutest suffering, and end by making him a conspicuous object of public ridicule or odium. Almost every reader must have known of such cases. I knew of one, a few years ago, in which a citizen of high character and standing was tortured in this way for weeks, and had finally to beg for *mercy* from the editor through the intervention of a common friend. The thing said of him was too trifling for notice, had it been said once, but when reproduced every second or third day it became persecution of the most intolerable kind; and yet, as the law now stands, it would not have supported a civil suit for damages, and would have seemed absurd if made the basis of an indictment. It would be easy to illustrate much more fully this branch of the power over individual comfort possessed by the press, and which it can and does exercise without bringing itself within the operation of the law of libel; but every reader of the newspapers can do it for himself. In fact, we see every week, cases in which private individuals are injured in their reputation, — to

recur to the legal definitions of libel which I have already quoted, —or lowered in the esteem and opinion of the world, or made ridiculous by quickly repeated and widely circulated charges, or epithets, or imputations, of which the law, as it now stands, will take no notice, and which inflict no appreciable material damages. In Scotland, and I believe in every country whose jurisprudence is based on the civil law, the special-damage rule does not exist. There, to borrow Lord Kames's words, "scandal, or any imputation on a man's good name, may be prosecuted even when the scandal is of such a nature that it cannot be the occasion of any pecuniary loss. It is sufficient to say, 'I am hurt in my character.'" Another authority says, that whatever causes "uneasiness of mind" is actionable in Scotland, and I think this is the rule all over the Continent; but on the Continent libel is almost exclusively dealt with as a public wrong, like an assault. On the Continent, the legal immunity believed to be enjoyed by the newspapers in this country excites surprise so great that a distinguished French publicist* has described the American press as "despotism tempered by assassination;" his belief being that the only real remedy against libel enjoyed by the American citizen lies in the murder of editors. He relates, in illustration of this, that it is not uncommon for American newspaper offices to have a memorial marble plate over the door, inscribed with the names of the editors who have fallen in fight under the weapons of persons whom they have slandered, together with the date of each tragedy. The state of things in France is not much better than he imagines it to be here; that is, the sword is still relied on there as the main defence, not only against attacks on character, but against persistent ridicule, or personal depreciation. That it is very effective in keeping down a mode of attack to which our newspapers resort much there is no question. A newspaper in France rarely ventures pertinaciously to plague or tease a man. Nevertheless, the law does afford powerful protection to those who are not disposed for single combat, and it contains some provisions which have a certain value for us in the way of suggestion. As a general rule, Continental European legislation concerning the press is not of much value to Americans or Englishmen, by way either of suggestion or comparison, for the simple reason that it is all based on, or has grown out of, the theory that the press is a necessary evil, and in practice

* Maurice Block.

has to be treated as a nuisance, which must be mitigated, but cannot be wholly abated. The American and English legal view of the press, on the contrary, is now based on, if it has not grown out of, the theory that the press is performing a useful public function, in which, however, it is apt to commit excesses and make slips, which have to be treated with a certain indulgence. But there is one feature of Continental jurisprudence which does supply matter for serious reflection, if it does not suggest a possible reform in our own law of libel. In our legal and political development, — if we may treat them as two different things, — we have displayed a constantly increasing respect for the person; that is, for the human body. We forbid, or try to avoid, even in inflicting punishment, everything which may bring shame or dishonor to it. When punishment is corporal, as most punishment has to be, we make it as little corporal — if we may use the expression — as possible.

There is probably no country in the world in which so much tenderness is shown towards physical peculiarities as in this; in which, in short, the person is so sacred. But it must also be said that respect has not increased for all that portion of the personality which is not physical or tangible, the tastes, habits, prejudices, sensitiveness, manners, relations with friends and family, and the like, about which the civilized man ordinarily dislikes to talk to strangers or have strangers talk, which are roughly described by the term "private life," and which, to every man who is worth much, make up by far the better part of his whole life. Nay, there are many reasons for thinking that it has within the last half century greatly diminished, and that the press is now in a fair way to make it a thing of which the coming generation will know but little. On this point something is undoubtedly to be learned from French jurisprudence, which puts it in every man's power to prevent utterly those explorations of his private life which have lately become the fashion with a certain portion of our press, and which, especially in cases of bereavement or misfortune, give so much pain, — often as exquisite pain as mortals know. The French law forbids in any periodical the publication of anything relating to a man's private life which is not actually before the courts in a criminal proceeding; but the law is set in motion only at the instance of the person interested, and no proof of the truth of the statement made is permitted, or any discussion of the facts. All the com-

plainant has to show is that the newspaper spoke of matters in his private life. This has been so strictly construed by the courts that an editor was found guilty for announcing the names of certain persons who had gone on a religious pilgrimage. The penalty is a fine, and also damages to the party aggrieved, in the discretion of the court.

We have got so far away, in our newspaper ethics, from the point of view on which this legislation rests that there are but few newspapers which do not, on the slightest pretext, publish everything that they can learn of all that portion of a man's sphere to which he least likes to admit the world outside; and the practice grows. It ministers to a popular taste which is as old as civil society. There never was a time when people did not enjoy hearing about their neighbor the things which they knew he would not like to tell them. But as long as our law has a policy, as long as legislation aims to favor particular manners or customs from a regard to the general good, we must admit that nothing is better worthy of legal protection than private life, or, in other words, the right of every man to keep his affairs to himself, and to decide for himself to what extent they shall be the subject of public observation and discussion.

There is another and probably removable defect in the existing legal remedy for libel, which is perhaps the most serious of any, and that is the slowness of the procedure. It may be said, in fact, that for libel no remedy is of any value at all which is not prompt. The law's delays are of course always partially destructive of the redress which the law offers for *any* kind of injury. But in the case of libel it may be said, in the larger number of cases, to be wholly destructive. This is certainly true of all those cases in which special damage cannot be shown. The injury of libel lies in the publicity. It is the publicity which causes all the pain. If a person libelled can bring the case speedily before the court, while the matter is fresh in the public mind, the pain of the publication and the pain of the trial are merged; that is to say, the suffering of having to go over the subject in a trial in court, and thus make it still more public, will be no aggravation, or a comparatively slight aggravation, of the original suffering caused by the libel itself. The libel and the remedy, then, form one and the same transaction. Moreover, a prompt trial, and a prompt trial only, makes the remedy complete as regards the vindication of character.

The public which reads the attack keeps it distinctly in its mind only a short time, and is disposed to watch its consequences only a short time. In a month, even, it will have ceased to remember much about it; but, unfortunately, it does remember *something* about it. It retains a vague impression that something unfavorable was said of So-and-So, and that it never saw any answer from So-and-So. It goes about its business with a dim, hazy conviction that there is something wrong about So-and-So. In other words, his reputation is slightly damaged, and remains damaged with thousands who know little about him beyond his name and calling. Supposing that So-and-So has done the only thing in his power to set himself right, by bringing an action against the libeller, and, as is usual, the case cannot be tried for many months, he is met with two cruel advantages. One is, that the public interest in him and his troubles having died out, the trial excites little attention, and the report of it does not catch the notice of one-tenth of those who read the libel. The other is, that in seeking his remedy, after this long interval, he actually renews his wrong. He finds himself very much in the position of a man who, having brought an action for assault and battery, is compelled to submit to another assault and battery of the same nature before his case can go to the jury. He has to expose himself once more to that publicity in which the sting of the original libel lay, and may find it aggravated by additional ransacking of his affairs at the hands of the defendant's counsel. Thousands are deterred from ever seeking legal redress for attacks on character by this slowness of justice. A man can wait patiently for the recovery of property. It is hard to wait; if he wins his case, however, his remedy is as nearly complete as human justice can make it. But if he has to wait long for the legal rehabilitation of his character, the remedy assumes, to a certain extent, the nature of an aggravation of his injury. It has been suggested, as a mode of meeting this defect in the law, that libel cases should have precedence of all others on the court calendars. That this would in some degree meet it is undoubtedly true, but everybody who has had any experience of legal proceedings knows that some of the longest and worst of the law's delays occur before a case gets on the calendar at all. How these might be prevented, or whether they could be prevented, especially in cases in which the defendant undertakes to prove the truth of the allegations complained of, is

something which could be discussed adequately by a professional man only, and on this point I shall not attempt to dwell.

They have in England a process for punishing libel, which is what may be called the "swell" mode of doing it, and the one usually resorted to by persons who think they would be demeaned by going into a police court in quest of an indictment, or by bringing a civil action for damages, supposing the language complained of to be actionable. It consists in applying to the court of Queen's Bench for what is called a criminal information. This has to be done on affidavits, and into the affidavits the complainant can put what he pleases; in fact, his complete answer to the libel. The defendant either resists the application, or withdraws his libel, by affidavit also. In this way the whole case gets before the court and the public at once, as far as it can be produced without hearing testimony, and while the matter is fresh in the public mind. This has undoubted advantages in the matter of speed, such as are not afforded by any other process either in this country or that.

It is open to any one to say that he thinks the present procedure is good enough, and that the evils of libel are not great enough to call for any change. With those who are of this way of thinking I do not argue. I am addressing those who think that the private character and individual peace of mind are things for which a civilized community is bound to provide, if need be, by extraordinary precautions, and that no adequate adaptation of the law to the greatly increased power over private character and individual peace of mind, which has been lodged in the hands of newspaper editors and proprietors, by the growth of newspaper circulation, has as yet been made amongst us. Though such *adequate* adaptation may be very difficult, or indeed impossible, yet *something* in that direction *is* possible, and deserves far more attention, both from lawyers and legislators, and from editors, than it has yet received. The press has no longer anything to fear from legal restriction of any kind, as regards its influence or material prosperity; while the community has a good deal to fear from what may be called excessive publicity, or rather from the loss by individuals of the right of privacy.

But it would be unfair to close without venturing to assert that the power over the individual peace of mind and private character, lodged now in the hands of editors, is not on the whole abused to anything like the extent to which it might be abused, considering

how little the law does to prevent its abuse, and how much the public curiosity, in its lowest form, tends to stimulate its abuse. On the contrary, I think no class of the community makes so remarkable a display of successful resistance to temptation as the editors of the daily papers, considering how much they hold in their hands and dispense of what their fellowmen both ardently desire and greatly fear, and considering the lack of sympathy, of which I have already spoken, which is usually felt by his friends or neighbors for the victim of newspaper attacks or explorations. I may add, that deliberate assaults on character, which have little or no foundation, and for which all redress in the shape of editorial correction is refused, are rare. No accurate estimate of them can be formed from the number of libel suits brought, because a very large number of these suits are brought by persons who have not the least intention of pushing them to trial; and this, not because they shrink from publicity, but because they know that judicial inquiry would leave them worse off than ever. The commencement of the suit is intended to produce the impression that there exists a complete answer to the charge, which the indignant plaintiff will lay before the public at the proper time, but he really does not anticipate that this proper time will ever arrive.

PAPERS OF THE SOCIAL ECONOMY DEPARTMENT.

I. ASSOCIATED CHARITIES.

[At a meeting of the Social Economy Department of the Ame can Social Science Association, held in Boston, March 20th, it w voted, that R. T. Paine, Jr., Esq., of Boston, Miss Anna Hal well, of Philadelphia, and Rev. Oscar C. McCulloch, of Indiana olis, be appointed a committee to prepare one or more papers the subject of "Associated Charities," with power to fill vacanc and to increase their number. Subsequently the committee add to their number, Rev. D. O. Kellogg, of Philadelphia, and Rev. H. Gurteen, of Buffalo. For the better presentation of the su ject as a whole, it was divided up among the members of the co mittee. The Papers will therefore be presented in this form:

A. THE OBJECTS, PRINCIPLES AND ADVANTAGES OF ASSOCIATION IN CHARITIES.

BY REV. D. O. KELLOGG.

B. GENERAL AND SPECIAL METHODS OF OPERATION.

BY REV. OSCAR C. MCCULLOCH.

C. THE NEED AND WORK OF VISITORS.

BY R. T. PAINE, JR., ESQ.

D. THE CARE AND SAVING OF CHILDREN.

BY MISS ANNA HALLOWELL.

It is with regret that the committee found it could not have the advantage of the large knowledge of principle and method which the Rev. S. H. Gurteen could give. His absence in England prevented his tracing the results of the work so far as they can be given.]

A. THE PRINCIPLE AND ADVANTAGE OF ASSOCIATION IN CHARITIES.

BY REV. D. O. KELLOGG, OF PHILADELPHIA.

(Read Friday, September 10.)

The industrial resources of society are called into use by necessity. Men's physical wants are imperative, and must be supplied. To do this requires the exercise of man's productive powers, and these powers submit themselves rapidly to great economical laws

h constitute the science of wealth. One of the earliest of omical forces affecting production or human industry, is that sociation. Barter, the primitive form of trade, is a form of it. orks, at once, a subdivision of labor, the parties to the trans- n exchanging what each can most easily acquire, and finding ofit in it. From so simple a beginning, the industrial world grown into a marvellously complex organization, of which the l expansion predicts the day when the entire globe will be but gigantic factory. The farmer of Minnesota sows his grain in eration with the factory hands of Lowell, who spin and weave lothing, and with the meat-packer of Cincinnati or Chicago, feeds him. He markets his grain with the help of the miller; nerchant makes his exchanges for him, the transporter places produce where it is needed, the banker draws against it in set- ent, and the process ends, perhaps, in the tea brought from a to his table. At each stage of the series of transactions, a ber of distinct interests are focussed, the influence of which is over continents and hemispheres. And the more the inventive us of man has achieved, the more it has organized, and ex- ded this industrial association. By means of subdivided duty, multiplied exchanges, of vast areas and diverse peoples brought to a common system, the energies of man are saved from waste, ealth is increased, and the foundations are laid for a higher intel- ctual and social life. Under such industrial conditions, the ience of political economy becomes possible.

But the weal of society embraces vastly more than so-called ealth. Man has in his nature other resources to expend in the uilding of higher social conditions, than his powers of industrial oduction, although the two domains are closely related. Indus- al faculties are to the moral qualities, as the barometer to the mosphere, marking in its changes the varying conditions of the r. We are ever finding out, more and more, that there are moral risks" in all forms of business, that integrity and under- anding and faithfulness have a commercial value, that no system political economy is adequate which ignores ethics and educa- on.

While the employment of the productive energies of society is gely controlled by the necessities arising from appetites and ambitions, the development and application of its moral resources e regarded as a matter of charity. When a man ceases to be a

machine whose out-put is merchantable, and is esteemed worthy of education and personal improvement for his own sake, then he is an object of solicitude to the humane spirit, rather than of calculation to the economical mind. Of course, this distinction is only approximate and general, for this paper recognizes that there is a law of economy in beneficence, and one which is of invaluable effect, having in its keeping a new age of humanity. It is sufficient, perhaps, to say that by common consent, the welfare of men outside of their industrial life, is regarded as a question of charity. But of recent years there has arisen in many minds a new conception of charity. In its lowest degradation, the term meant a class of *actions* done without remuneration, for the relief of suffering or depression. A better sense of the term is a *sentiment* of kindness or benevolence. The higher conception of it is a *law* of love. As a class of external deeds, the value of it lay in the doing of them, without much regard to their motive or effects. The actor might perform the charitable works for his own moral cultivation, for his own reputation, or as deeds of supererogation. In so far as their reflex action is the end sought, they are in violation of that charity which "seeketh not her own." Genuine charity must consider well what is the effect of her actions, and that not upon the mover of them, but upon the objects of them.

Charity as a sentiment relegates the deeds thereof to individual impulse, if not caprice. It tends to isolated work, and recognizes no law of self-restraint for the actor. But, if charity is a *law of love*, then it gives rise to a system. For law is the formula of science; at least, it is such in sociology, if it be not on the statute-book. Law is the statement of an order or a process, and it is discovered by the human mind through experience. It presupposes observation, classification, generalization. Charity has its laws which can only be detected by a study of past experience. It is, therefore, a science, — the science of social therapeutics. Again, as art is the application of science, it follows that there can be no true art of charity until its laws are formulated. Until this is done, benevolence is not much else but quackery, however amiable its motive. Indeed the true impulse of love cannot rest until it has found its science; for it cannot stop short of effective methods and sound principles.

From these premises, it will be easy to see that charity organization is as practicable as industrial association; that, as there is

an economy to rule benevolent endeavor, it is an economy higher than that of production; for, while it increases that, it also has results in the intelligence, morality and happiness of society.

All forms of religious thought recognize the duty of charity, but no oracles have as yet revealed the methods of its application. Its laws we must gain, as we do the laws of all other sciences. They must be founded on the widest attainable observations conducted with accuracy and vigorous common sense. Out of a careful study of an experience not only in the past, but spread over the widest area, and gathered under diverse conditions, must come a knowledge of the wisest methods of charity. Now, no individual experience is great enough to enable one to come at the best results. He who, in his self-sufficiency, will work alone, deprives himself of all the advantages of others' toil, and keep his efforts in the plane of petty and primary experiment. No man in these days can be a proficient student or artist who works alone. All scientific investigators are, the world over, a community. Each branch of research creates a school or association, in which the investigations of one become the property of all. The star-gazer who despises the labor of Kepler, Newton and Herschel in the past, and who ignores the observations made at Washington and Greenwich, who will make his own charts and instruments, will not become an astronomer of any eminence or usefulness. He walks among uncertainties, where a firm path has been trodden out for him. His labor is obsolete, feeble, unproductive. The analogy holds good in the solution of our grave social problems. Charity, which rules the resources of mental and moral improvement, is not a theory, but a science; its art is not a revelation, but an applied science; its study is inductive; its methods are to be drawn from experience.

There may seem a danger in thus placing benevolent exertion under law. In general formulas the individual may be in danger of passing from sight, and machine-like processes may take the place of sympathetic action. But were this danger more real than it is, we should have to weigh and determine whether the greater evils were on the side of uninstructed impulse, or of studious, systematic work. It is not true that the best motives of the human heart are deadened or dissipated because they are taught how to be most skilful and efficient. On the contrary, nothing checks generous dispositions so much as disappointment, and the painful discovery that their schemes to cure an evil have only exacerbated it.

We have spoken of social therapeutics as an inductive science. Induction is not an ignoring of individuals and particulars, but the reverse. Its value depends on the accurate, painstaking study of detail, which is essential to improved methods of charitable action. The philanthropist who keeps his own methods and their results out of sight, not only puts himself at a disadvantage, but he abstracts from the general cause the benefit of his successes. On clear general principles it may be held to be desirable that philanthropists should be a community. Instead of a poor sectarianism of charitable effort, where petty societies work in the dark, ignorant of one another's methods, suspicious of each other, rivals for patronage and for advertising statistics, shrinking from criticism, solicitous neither to apply right principles nor to correct mistakes, there should be a community of philanthropists in which the experience of one enriches them all, — where charity is studied as a law of love, and that law obeyed as the voice of God.

There is another important line of thought leading directly to the organization or association of charities. Social evils are whatever things work against the common welfare of men. Society is a unit, — a solidarity, of which individuals are a part. The person gains his highest development in that unity. Now, vice is a dissolvent of social bonds. It incapacitates a man for living in a healthful, progressive society, and it is outlawry. Also poverty is weakness. When one cannot maintain his place in a community, but falls out of its activity as inefficient, or useless to it, he is poor. Pauperism is unsocial, too. The remedy is to replace the fallen and the incapable in sound social relations, and to maintain them there as honorable, active factors in common life. Such is the end proposed by the reformatory prisons and schools of the State. The criterion of their success is their capacity to *restore their inmates to society*, as the just and forcible expression goes. In this problem there are two elements. Where persons have become incapable of self-control, or steadiness of effort, or where they are hardened against moral influences, restraint must be invoked. For both these classes, and for the incompetent ones, there must be education. Even where incompetency has arisen from bodily defect, much has been done to overcome it by education, as in the cases of the blind and deaf, and more rarely among persons of feeble intellect.

The kind of education required is not that of the text-book, nor

of the industrial school, so much as it is that furnished by the great school of society. Defective classes are not a social evil; but pauperism is, and it is a sign of moral weakness. The weak and depressed, and all the victims of unsocial habits, need to be awakened to a proper love of approbation from their fellow men, to have their hearts kindled to a sympathetic glow by neighborliness and respect; to be quickened to hope by examples among their associates of courage, versatility and self-reliance; to see a world of pleasure and honor opened to them in the companionship of the refined and the pure-souled. To these add suitable industrial training; but without the other this will be of small avail. The higher mental and moral resources of society must be brought into action. Qualities of mind and heart are learned not only by imitation, but by contagion. There can be no over-estimating the value of bringing men into contact with noble natures, in whom they find higher standards of motive and character than their own, and yet not impracticable for them. The educational power of association is of incalculable strength. These remedial measures require the largest concert of action in the community. The moral resources of society are frittered away when not harmonized and governed by enlightened views. There can be but imperfect repression exerted upon the vicious without the concurrence of almost a nation. Unequal restraints in different districts, or in the various elements of society, only render outlaws migratory. That repression which makes the trades of imposture and immorality unprofitable and unattractive, must be general. If charitable persons and institutions are to cease making their aid a premium on vice, they must act in concert.

During the railroad riots in Pittsburg, in 1877, there appeared upon the scene strange faces gathered from all directions. Outcasts and vagrants and outlaws came to plunder and burn, knowing that in the confusion of the hour they could enjoy impunity for their passions and their crimes. Wherever there is anarchy, there the lower natures of men spring into violent activity. The anarchy of charity gives rise to disorder and encourages evil. The energies of society, dispersed or antagonistic, or paralyzed by discord, rivalry and suspicion, are of little avail. Mutual understanding, coöperation and intelligence, based on wide experience, will set the recuperative forces of the commonwealth in effective operation, and the benevolent dispositions of mankind will be increased in

proportion as effectiveness and blessing wait upon their efforts, and the disappointments of crude experiments cease.

One further thought remains. The organization of charity must not be regarded as the attempt to set on foot new agencies of relief or of education, but to systematize the institutions now existing, and to promote concord of endeavor. It is a reaching after a more perfect benevolent organization of what already is. The higher movement must spring out of what has preceded it. It would be unhistorical and revolutionary to attempt to displace old agencies by new measures. That would be to increase confusion, to augment the evil that a more perfect association aims to cure. The need of the hour is a wider and nobler concord of thought and plan in dealing with the depressed and degraded. The day is coming, doubtless, when the same wisdom which has given this generation its wonderful industrial complexity and development, will preside over the administration of charity. The current has set notably in that direction within the past few years, and invariably with encouraging results. It seems as if the tendency must continue to strengthen, until all intelligent and earnest philanthropists recognize in charity laws, founded in noble self-denying love, and in their vocation of benevolence, a bond of concord and mutual helpfulness. Before their unity and growing experience, evils that seem now appalling, must lose something of their obstinacy and virulence.

B. GENERAL AND SPECIAL METHODS OF OPERATION IN THE ASSOCIATION OF CHARITIES.

BY REV. OSCAR C. McCULLOCH, OF INDIANAPOLIS.

(Read Friday, September 10.)

The objects sought, the guiding principles, and the advantages looked for, having been detailed, it remains to consider the methods by which these principles may be carried out and the results obtained. It can at least be claimed for this movement that it is putting into action certain suggestions given by Paul, — "That your love may abound yet more and more, in knowledge and in all judgment, that ye may prove things that differ." For "knowledge" read "wisdom," and for "judgment" "practical sense," and we have the foundations for a wise administration laid for us, in love, wisdom, and common sense. But further it is claimed, that this is but an attempt to do in charity what is done in commerce and industry, — so to arrange its different agencies, and so to coördinate its different forces as to attain a certain end with the least possible waste of energy.

The methods of reaching the objects aimed at must differ in different cities with the problems of social life which are peculiar to each city. The methods are many, the principle is one. This principle is the complete severance of charitable relief and other charitable work of the society from all questions of creed, politics and nationality. The general methods are :—

1. The Coöperation of all Charitable Agencies.
2. A System of District Offices.
3. A System of Registration to prevent Imposture and to determine the Amount of Charitable Aid given as a whole, and the Source whence received.
4. The thorough Investigation of each Case, and suitable Action thereon, according to its Merits.
5. The Obtaining of Adequate and Immediate Relief for the Worthy and Unfortunate Poor.
6. A System of Visiting which shall substitute Friendliness for Alms, and induce to Thrift, Self-Respect and Better Modes of Life.
7. A careful study of the Causes of Poverty and Pauperism, and of the Best Methods of dealing with Destitution and Degradation.

I. GENERAL METHODS.

Coöperation among all charitable agencies is the first thing to be attempted. It will be a long time before all charities will coöperate. Suspicion, prejudice, religious or political bias, traditional customs and personal jealousies will long prevent a complete association. But good work can be done if a few coöperate, and the inherent truth in the idea, when wisely administered, will prevail. As most cities distribute money to their out-door poor and maintain others in institutions, it is necessary to secure coöperation (1) of the city overseer, the superintendents of the poorhouses, the city hospital and the free dispensaries; (2) of the mayor, chief of police, and heads of various correctional and reform institutions; (3) of the private charities, relief agencies, provident societies, orphanages, homes, retreats and hospitals; (4) of the churches, and (5) of private citizens.

So many as will associate themselves together for the attainment of the object, and under the direction of the principles, constitute the Charity Organization Society, or Associated Charities. According to the Constitution of the London Society, and that of others, the unit of organization is the district committee, a society being the union of a certain number of these committees. But, as a matter of fact, the movement begins as above outlined, and the creation of district committees occurs later. From the society, as thus organized, an executive committee, or council, is chosen, whose work will be described later.

Two cautions must be given. Do not expect every one to see at first the advantage and value of such association. It is by constantly reiterating the objects and principles, by working ever so little territory thoroughly, that the result is effected. The workers in this movement must be those who do not grow tired of their project. They must possess the gift of continuance. Again, too much must not be attempted at first. The society must grow from within. It must educate its workers and create its instruments. It must have coherence. The educated worker, when once taken possession of by the idea and the method, can never leave it. But many who enter it enthusiastically, running well at first, soon fall away. Work largely attempted and then ill done, and then finally relinquished, is a confession of defeat. The success of the movement will depend upon

THE DISTRICT COMMITTEES.

Here the principles which should guide, and the methods determined upon, are put into practical operation. Poverty, pauperism and distress in their manifold forms are here acted upon in their individual phases. The value of the principles, the possibility of the object, the wisdom of the methods, are here crucially tested. The committee is constituted of certain members of the society living in the district. This district may be one of the wards or precincts; it should be so small that it can be thoroughly known. The dwellers in each street, alley, and court, are to be known as to their economic condition as well as a political party knows the political condition of a ward. The district office, centrally located, is supplied with its capital of information received from the central office, and with the necessary forms and books.

The greatest importance attaches to the office of paid superintendent. This officer is the medium through whom the cases come before the committee, and through whom the decision of the committee is carried out. This superintendent must be a wise man, humane and practical. A cheap man will not do. It is no place for a man whose friends wish to provide a place for him. Consider the duties of such a man. He is to listen to the story of the applicant; to judge by that fine tact which experience gives between the real and simulated need. The education of an impostor is a very complete one. Mr. Jingle and Mr. Trotter are not confined to Pickwick Papers. They are met with in real life. The superintendent must then search the records, must visit the homes, pick up information among the neighbors, write to the addresses. He must know the institutions, the asylums, the relief agencies and their condition of giving alms. All these and other duties pertain to the office. The man chosen, then, must be a good man, one who will treat the poor with respect and yet act with judgment. To him should be paid a salary large enough to draw the man to the position, using all his time, and insuring his continuance.

The district committee, when fully organized, should include representatives from all charities, official and private, in the district. It meets as often as need may require. Individual members are in the office daily to give advice to the superintendent. Cases frequently come up, demanding immediate attention,—sickness, accident, the stranger. Grants of money sufficient for

the urgency are made and reported to the committee at the next regular meeting. It will be remembered that the society, as such, gives no aid. It obtains aid from some one or more of the coöperating societies, but "grants" are made for emergencies from funds raised for that especial purpose. Composed, as such a committee is, of practical business men and practical earnest women, it is evident that the decision upon any case in question will be just and wise as well as humane. It is not long before the condition of their district is well known, and the agencies for helping brought to bear which will make permanent improvement. Acting in association with the district committee is a corps of friendly visitors.

The need and work of this band will be treated of in the paper following this, by Robert Treat Paine, Jr., of the Boston Society.

Thus by the coöperation of existing charities, by consideration of and action upon poverty and pauperism in the mass, by the formation of district committees for consideration of and action upon poverty and pauperism in the individual, and by organizing bands of visitors to watch over individual cases during long periods of their history, the Associated Charities movement seeks to effect its object, — the permanent improvement of the condition of the poor.

II. SPECIAL METHODS.

The names Council, Executive Committee, and Board of Directors, are given to the central organizing and administrative body. This body has control of all questions of principle which may arise, of all matters relating to the work of the society generally, and the strengthening and consolidation of the work of the district committee. In endeavoring to effect its object the society must first distinguish the impostor from the honest poor. This is its detective work. The first word is *Investigate*. Its rule and suggestion is, *No relief (except in extreme cases) without previous and searching investigation.* "The open hand must be guided by the open eye."

REGISTRATION.

In order to know who are the worthy and the unworthy, the society has in its central office a more or less complete registration of all applicants for relief, as they come before the public. This system of registration is best understood by comparing it with a commercial agency, whose books hold information as to

the churches and business and personal habits and history of all persons in the country. From many sources it brings together facts which enable its patrons to give or refuse credit intelligently. To this end the following system of registration is adopted:

(1) The names of all applying for or receiving official out-door aid are entered. In the office in Indianapolis, transcripts of their history, as they appear on the books of the township trustee, are taken. Related families are grouped together.

(2) The names of all persons receiving aid in the various institutions (or in-door) are entered. These include the dispensaries, the hospital, the almshouse, etc.

(3) All persons relieved by associations, societies, guilds, churches, so far as they coöperate, are registered, also

(4) All persons relieved by private charities, so far as can be ascertained.

(5) All persons in penal and reformatory institutions, and passing through the courts.

All these are entered upon special and separate books.

In the attempt to secure these statistics the society encounters the prejudice, neglect and indifference incident to such undertakings. The importance is not seen. The confidential treatment accorded to such statistics is not understood. When most successful they will be still incomplete; yet the results are most important.

The statistics thus gathered are then posted upon cards alphabetically arranged, or into a "general index." The index is thus arranged:*

*GENERAL INDEX.

Surname.	Christian Name.	Address.	Charity Org. Society.	Public.		Private.			Undeserving.		Criminal.	Remarks.
				In-door.	Out-door.	Asylums.	Societies.	Citizens.	Official.	Private.		
Brainard.	Anna.	212 Pearl.	187		319		131	18 34 42			63	

This means that Anna Brainard has applied at the district office. Her record number there is 187. She has received aid of the county, see page 319. The Benevolent Society has helped her, see page 131; and she has received aid of several citizens, see pages 18, 34 and 42. She has lately been in the station house on a charge of drunkenness.

When all the statistics are posted, the extent of poverty, the sources from which aid is being received, and the amount of that aid are easily seen and wonderingly inspected. For it gives as results the following:—

1. It reveals, according to its completeness, the extent of poor relief in the city.

2. It reveals the overlapping or the receipt of aid in the case of any individual from more than one source.

3. It reveals the amount of aid received by any one family.

4. It shows family lines, grouping together those related by marriage and descent.

5. It shows the pauper or crime history of those families, tracing them into prison, almshouse, reformatory or refuge.

6. It gives histories of families and individuals, from which to deduce the causes operating to bring a family down; causes of heredity, association, etc.

7. It outlines the methods to be taken to elevate a family, or an individual, now degenerating, or remove another from evil associations.

The information thus acquired is confidential as regards the public. But it is placed at the disposal of those whom it concerns. The city poor officer, the various churches and societies, and benevolent individuals, can all make use of it. Does a beggar tell a pitiful tale, the truth of it may be discovered from the society's register; or the society will at once investigate the case free of charge, and report in writing. No single society or agency can have as complete a record of a case, since they have not the sources from which facts are gathered. The information is used also as a basis for warning the public against certain impostors and street beggars. But it becomes of especial value when it is given to the district committees. From the names in the index those are selected who live in a certain ward or district. This list becomes the "plant" or capital of the committee, giving the information in advance of the character and condition of those with whom they will be soon enrolled to deal.

To the registry, as thus made up, continual additions are made by the daily, weekly, or occasional reports of applications made to the different coöperating societies. Exchanges of information are made, after the manner of a clearing-house, by "duplicate lists."

DISTRICT COMMITTEES AT WORK.

Leaving the work of the Council for a time, let us study the district committee in its actual working.

In District No. 1, Indianapolis, the method of procedure is as follows:—

The name and address of the applicant are entered upon the applicant book. Then in the record book are entered those facts which it is thought necessary to know. These are: birth-place; previous residence; time in city; landlord; physician; age; name of woman before marriage; occupation; income; children,—their names, ages, schools, earnings; rent and rent due; pawn tickets; help, if any, received from any other source; relations in the city or elsewhere able to assist. The applicant's own statement of condition and need is then taken down, with the names of any references he or she may be able to give. If the case is known and there is immediate need, the superintendent can grant immediate aid, reporting the same at the weekly meeting. He makes a personal visit to the house, and verifies, as far as possible, all the statements. The references, physicians, landlord, and minister, are written to on forms which contain a prepaid answer-blank, to ensure response. The police are interrogated, and the official register of public relief, or the filed transcripts in the office, are then examined. All these are entered in the record, and become a full and comprehensive history of the case. With the results thus obtained, the case is brought before the committee. This committee is composed of representatives from the township trustee's office (our poor office), the Benevolent Society (our principal relieving agency), the Flower Mission, from several of the churches, and, in addition, several individuals. The case brought up is carefully and kindly considered. Each individual is treated with respect, and with the desire to do that which shall permanently help him. Is he worthy or unworthy? If worthy, is there real need or only fancied? If aid is required, of what kind?—employment? food? fuel? medical attendance? nursing? institutional? and from what source? If resident for one year, then the township trustee is the proper source. If here only a short time, the Benevolent Society. If sick, the dispensary physician must aid; the flower mission visit, taking food, ice, milk, flowers, etc. It will be seen that there is no delay, no referring of the applicant from one society to another. The societies are here represented,

and at once assume the care of the case. If one society cannot give all the aid required, others combine; so that immediate relief and adequate aid are given. If employment is needed, the name is taken by some member, is also entered upon the book of the employment bureau of the benevolent society, and is printed in the weekly bulletin of the society.

In all this action there will be noticed the careful and kindly consideration which each case receives. As in Elberfeld, there is respect for the poor. The relief in any case is immediate, since the societies are there represented for the purpose of taking cases which they can best serve; and the relief is adequate to the needs. If one society is unable to assume the whole burden, others share it. There is no danger of any case falling through the interstices which separate societies, or lying unhelped upon the Jericho road. The unfortunate are not "moved on and kept a-movin'," but very earnestly and tenderly the committee seek to permanently help them. Of course it is understood that no city is thus covered by district committees. But it is within the powers of the Associated Charities movement, when it is thoroughly worked, and has effected the coördination of charitable forces, to bring about the extinction of pauperism and the complete relief of poverty.

The committee is not limited in its work by the cases that apply for relief at its office. It investigates all cases reported by rumor, follows up newspaper items, visits those "caught out in crime's first confession," makes special studies of the cases on the books of the city overseer and medical dispensaries. It explores dark corners, lets the light into obscure conditions, touches social sores, ventilates abuses. And its work is especially valuable to those who work in it, flowing in refluent tides upon the mind and heart, "blessing him that gives and him that takes."

Horace Mann said of a certain charity that it was worth a million dollars to have saved *one* boy — if it was *his* boy. What is it worth to society when children are taken from homes of vice and placed in those of virtue? When young girls, inmates of houses of prostitution, come and ask for help to lead a higher life? when the fluttering flame of life in a little unwashed baby has been fanned into strong health? when sick have been soothed?

Each case, after its treatment by the district committee, is taken by a visitor, who becomes a providence to it, watching over it during long periods of history, strengthening the feeble will, and inculcating habits of cleanliness, order and thrift.

FURTHER WORK OF THE COUNCIL.

All workers in charity realize that the causes which break down self-help, virtue, order and thrift are to be looked for otherwheres than in the individual. There are social conditions which make for disorder as well as order. Many a one has her all that we call life crushed out by social pressure. The great enemies of the poor are impure water, vitiated air, crowded homes. The destructive competitions of commerce are fatal to the poor. The instability of the labor market, the absence of privacy and of space for the larger nature to grow, — these bear upon many a man and woman otherwise self-helpful and happy. Edmond About, in his "Story of an Honest Man," says that the two enemies of the poor are "retail and credit." The Associated Charities attempts to deal with these larger social questions. If it is, as in the "assembly" of the Philadelphia society, a social science association, meeting for the consideration of great social questions, then the organization, by its aggregation of wisdom, social and political influence and practical sense, can carry out many of the reforms and changes it suggests. It is a "conference of charities and correction," meeting at frequent intervals, and carrying into operation amelioration of pitiable conditions. It is a bureau for the education and care of children; a society for providing better homes for the poor. It initiates, where they do not exist, fuel-saving societies, penny banks, day nurseries, burial societies, and coöperative stores. Its units of organization are engaged in these several lines of work, and the society simply lends its energy of concentrated force and wisdom, of aggregated intelligence to the special line. It does not interfere with the autonomy of any society, only suggesting, advising, assisting. It draws out the hitherto unutilised forces of society, and gives noble employment to those who wish to be helpful, but see no definite thing to do. It studies the laws that bear upon the poor and unfortunate, and carries others through the Legislature. There is no limit to the work it can do, save in its strength and time.

Such are some of the general and special methods by which the Associated Charities movement seeks to effect its object, the permanent helping of the poor.

Looking over the Cow-gate at Edinburgh, Dr. Chalmers told the young Guthrie, "It's a bootifu' field." And the young man was well organized to walk in it. So this society has a beautiful

field in which to walk. It offers definite ideas, a clearly discerned object, methods at once according to nature and inspired by God. The field is the world, lying in light and shadow, and the reapers are the angels, men and women about us, who are touched with a feeling for the infirmities of the people.

Upon the monument raised to Robert Raikes are the words, "When the ear heard me then it blessed me; and when the eye saw me it gave witness to me: because I delivered the poor that cried, and the fatherless, and him that had none to help him. The blessing of him who was ready to perish came upon me; and I caused the widow's heart to sing for joy, Eyes was I to the blind, and feet was I to the lame. I was a father to the poor, and the cause which I knew not I searched out."

What better could we ask for ourselves than that such words might be applied to us?

C. THE WORK OF VOLUNTEER VISITORS OF THE ASSOCIATED CHARITIES AMONG THE POOR.

BY ROBERT TREAT PAINE, JR., PRESIDENT OF THE ASSOCIATED CHARITIES OF BOSTON.

(Read September 10, 1880.)

Alms are not the whole of charity.

"Charity must do four things, —

I. Relieve worthy need promptly, fittingly, and tenderly.

II. Prevent unwise alms to the unworthy.

III. Raise into independence every needy person, where this is possible.

IV. Make sure that no children grow up to be paupers.

Relief, detection, elevation, and prevention are all essential parts of a complete system."

"Families or persons who have fallen into want, usually need two things, —

First. Relief from their pressing wants, — food, if hungry; fuel, if cold; or clothing, if naked. This is the work of relief.

Secondly. They need a long, steady, patient pull, by a wise, strong hand, up on to solid land. This is the work in which the Associated Charities ask the cordial coöperation of every Christian man and woman in the city."

I. Limitations.

Volunteer Visitors, to achieve the best results, and especially to avoid harm, must know and obey certain limitations of their work, growing out of human nature.

As a rule they must not give alms.

The work of *relief* must be kept distinct, and be done by different agents; for four reasons, —

I. Experience has proved that alms can only be *judiciously given by a trained agent.* Years of study and practice and observation are needed to enable you to decide aright what and how much to give; what the real facts of the case are, and how much is put on to deceive; what the abilities of the family fairly are, and what is out of their power.

"Inexperienced Visitors are often — very often — deceived, especially if the poor think they have anything to gain. The confession of an experienced Visitor is always how often he has been deceived."

II. The best welfare of the needy is the controlling consideration. The argument is not that new Visitors give too much or give wrong things, but that excessive alms are a positive injury to the recipients. "Aid a man so often or so unwisely as to sap his manhood, his self-respect, his self-reliance, and charity has left a curse where it came to bless."

"I believe our irregular alms to the occupant of the miserable room, to the shoeless flower-seller, are tending to keep a whole class on the very brink of pauperism who might be taught self-control and foresight, if we would let them learn it.

"Let us imagine a case where we give to a man whose income is small. What is the effect on his character of these irregular doles? Do they not lead him to trust to them, to spend up to the last penny what he earns, and hope for help when work slackens or altogether fails? Does he try, cost what it may, to provide for sickness, for times when trade is dull and employment scarce?" — *Octavia Hill.*

"As wonderful and incongruous things are done in the name of charity as were ever perpetrated in that of liberty. If always twice blessed in spirit, it is often twice cursed in effect.

"If it covers a multitude of sins in those who give, it too often in another and worse sense covers a multitude of sins in those upon whom it is bestowed. To the worthless, scheming poor, it is a cloak for, and incentive to, the sins of lying and idleness, and although they do not see it in that light, it is a curse to them in that it does incite them to those sins — it makes their lives morally degraded, prevents the development of any germ of human nobility or spirit of independence that might be in their nature." — *Thomas Wright.*

III. The friendly relations of a friendly Visitor, aiming to help a family to gain its independence, are often spoiled if the family hope to get larger alms by exaggerating their needs. "Nothing spoils the relations between a Visitor and those whom he visits more hopelessly than knowledge on the part of those visited that the Visitor has tickets or money to distribute, and that the amount which each gets will depend on the impression which he makes."

IV. Another reason, perhaps the strongest, is this: that friendly Visitors can only be compelled to study how to really improve the

condition of the family, if they are forbidden to give alms. Alms are so easy to give, and so easy to ask for, and the repetition of the request comes so easy and so quick and so often! *Obsta principiis.* Forbid it entirely. Let the Visitors go into the family forced to study what can be done of a permanent nature, either for the old or young, for the father, the mother, or the children.

For these reasons the Visitors of the Associated Charities of Boston are prohibited from giving alms on their own impulse, except, of course, in those extremely rare cases of immediate distress which overrule all law.

This, then, must be the Rule. Many will think it harsh, and even cruel, that volunteer Visitors shall give no *alms.* If nothing could be given, such visiting would be vain indeed; but if the only way visiting can be made effective for the gift of the best gifts, — self-respect, hope, ambition, courage, character, — is to keep it free from the dangers of deception and to put the poor on their own mettle, then all seeming harshness is lost in Christian love.

I fear to admit that the rule has exceptions, lest each and every Visitor, sooner or later, and many very unwisely, come to think his family is the exception.

Where you are sure your poor family is doing their best, and uses your gift, not to lessen their efforts, but rather to redouble them, a gift of food, money, or any other aid, may be a blessing both to giver and receiver.

Well may a Visitor, in such case, aid the poor with purse as well as counsel and cheer, to make vigorous improvement in their modes of life. Miss Hill has written out of the depths of her heart, and the riches of her experience, words so full of wisdom that they cannot be read too often:

"I hope you will notice that I have dwelt on the need of restraining yourselves from almsgiving on the sole ground that such restraint is the only true mercy to the poor themselves. I have no desire to protect the purses of the rich, no hard feeling to the poor. I am thinking continually and only of what is really kindest to them — kindest in the long run certainly, but still kindest. I think small doles unkind to them, though they bring a momentary smile to their faces. First of all, I think they make them really poorer. Then I think they degrade them and make them less independent. Thirdly, I think they destroy the possibility of really good relations between you and them. Surely, when you go among them, you have better things to do for them than to give

them half-crowns. You want to know them, — to enter into their lives, their thoughts; to let them enter into some of your brightness; to make their lives a little fuller, a little gladder. You who know so much more than they, might help them so much at important crises of their lives. You might gladden their homes by bringing them flowers, or, better still, by teaching them to grow plants; you might meet them face to face as friends; you might teach them; you might collect their savings; you might sing for and with them; you might take them into the parks, or out for quiet days in the country, in small companies, or to your own or your friends' grounds, or to exhibitions or picture galleries; you might teach and refine and make them cleaner by merely going among them. What they would do for you I will not dwell on, for, if the work is begun in the right spirit, you will not be thinking of that; but I do believe the poor *have* lessons to teach us of patience, vigor, and content, which are of great value to us. We shall learn them instinctively if we are among them as we ought to be as friends. It is this side of your relation to them, that of being their friends, which has given all the value to your work as district visitors: it has been because you have been friends,— in as far as you have been friends, — that the relation between you has been happy and good. The gift has often darkened this view of you, and prevented the best among the poor from wishing to know you: when it has absolutely been the expression of friendship, its evil has been reduced to a great extent. But the gift you have to make to the poor, depend upon it, is the greatest of all gifts you can make, — that of yourselves, following in your great Master's steps, whose life is the foundation of all charity. The form of it may change with the ages: the great law remains, "Give to him that asketh of thee, and from him that would borrow of thee turn not thou away." But see that you give him bread, not a stone — bread, the nourishing thing, that which wise thought teaches you will be to him helpful, not what will ruin him body and soul; else, while obeying the letter of the command, you will be false to its deep, everlasting meaning. My friends, I have lived face to face with the poor for now some years; and I have not learned to think gifts of necessaries, such as a man usually provides for his own family, helpful to them. I have abstained from such, and expect those who love the poor, and know them individually, will do so more and more in the time to come. I have sometimes been asked by rich acquaintances, when I have said this, whether I do not remember the words, "Never turn your face from any poor man." Oh, my friends! what strange perversion of words this seems to me. I may deserve reproach; I may have forgotten many a poor man, and done as careless a thing as any one; but I cannot help thinking that to give *one's self*, rather than one's *money*, to the poor, is not exactly turning one's face from him. If I, caring for him and striving for him, do in my inmost heart believe that my

money, spent in providing what he might by effort provide for himself, is harmful to him, surely he and I may be friends all the same. Surely I am bound to give him only what I believe to be best. He may not always understand it at the moment, but he will feel it in God's own good time." — *Octavia Hill.*

II. The Help of a Trained Agent

is soon felt to be a necessity in this work of Volunteer Visitors among the poor. Prohibited from giving alms, the work of really improving the condition of a family is often very hard. Visitors ask in despair what they are to do, and how to accomplish it. Even when the object to aim at is clear, the way to bring it about is hard to find.

The use and help of a trained agent soon becomes evident. Whether or not our agents in this branch of charity work, the elevation of the poor and the care of children, can also be wisely agents of relieving agencies, is an unsettled question. Certainly it would be a great economy. Both classes of agents must be salaried employés, and a duplication of paid agencies shocks our sense of economy. Yet, the importance of this new charity work rises, when fully appreciated, to such transcendent importance, that nothing should be added to the duties of an agent devoted to the work of elevating the poor, which can seriously conflict with them, or divert his thoughts, or injure his relations with the poor, or lessen his power for good. Money must be an inferior consideration.

Boston is trying the experiment of separate agencies. The agents of the Overseers of the Poor, as well as some of those of the private relieving agencies, are salaried experts; while the eight salaried district agents of the Associated Charities, are wholly distinct. The work to be done is ample to fully employ both sets of agents, and perhaps the duplication of labor in visiting the same family is offset by the gain of joint judgment and occasional coöperation. For every thousand families needing relief, one agent will always be wanted to give his whole time to the work of helping as many as he can to become independent. The paid agents must become, if only after long study and patient practice and many failures, experts in the art of helping struggling families permanently upward, as well as experts in making a diagnosis of the causes of the need. Why is the family down so low? What work

can they do, the man or the woman, the sons or the daughters? Where can this work be found? What work can they not do and yet be taught to do? Where can they be put to learn it? Are they so discouraged as hardly to make the effort? How can you inspire new pluck? Is the man, or worse yet, is the wife or mother, addicted to strong drink? What can be done to make them take or keep the pledge? If rooms are damp, and dark, and foul, how can you transplant the family into a healthier home? Questions swarm for both Trained Agents and Volunteer Visitors to answer if they can. Only an alliance of the two can help the good work grandly and successfully forward.

III. The Counsel of a Conference

is needed to guide the new charity work in every district of a thousand needy families. Once every week or two, in the busy seasons at least, a meeting of a few business men and wise women is needed to study the ways and means of making charity effective, and how to apply the best principles to each family in distress. Now that we appreciate that giving alms does not cover our whole duty to the needy classes, or even our most important duty, the happier classes must meet their new duties with devotion. The Catholics claim, I think with justice, that the credit is due to their admirable society of St. Vincent de Paul, of making the counsels of a conference an important agency in deciding what families to aid, and how much and what kind of relief to give.

Volunteer Visitors can be admirably guided and helped by the District Conference, reporting fully all important facts and needs of the poor family, all the data for wise decision, attending usually in person to share in the discussion, and inspired by the weight of a general judgment to work for the desired results.

IV. Only one-seventh of our Total of Out-Door Poor Families need a Volunteer Visitor for our Present Work.

The task of finding a friendly Visitor for each and every family in need of alms, is too vast for any large city to do. Another generation may achieve what is impossible now. The results of our work in Boston show that the immediate need grows less when we know and analyze the facts, than it appears at first.

Let me present the data derived from Ward 10, where the poor, though not very numerous, are of average needs and nationalities:

Total number of cases registered at Central Office, as in Ward 10, on July 1, 1880, who had asked or received relief from July 1, 1879, to July 1, 1880, . . .	206
But so many of these were privately aided and visited that the Ward Conference had only	103
The whole number of persons in these 103 cases was (averaging $2\frac{82}{100}$), ...	291

Our District Agent found many of these cases aged persons needing *only* relief.

Or persons needing some kind of help which he could render better than a Visitor.

Or persons able to support themselves.

Or frauds who needed only exposure.

Or persons who had probably given wrong addresses.

So that the Conference only thought fit to send Visitors to thirty-five, or one-third of the cases coming to the District Office.

Of these thirty-five the Visitors were able to help about twenty-eight, as follows: —

3 aided to be cured of disease.
1 aided to keep the pledge, and received advice.
3 widows were aided to clothe their small children.
4 widows received valuable counsel about their children.
1 widow was aided to get her two children into the eye infirmary.
1 widow was aided to get a sewing-machine and work.
1 widow was aided to stop begging.
1 boy was rescued from evil relatives and placed in a home.
1 widow received aid for herself and two small children while she was sick.
1 widow was aided to get a stove and then to get a pension.
11 families were counselled, and several were helped in finding work.
—
28

All these twenty-eight families were cheered up into new hope and courage and a better life.

V. Number of Visitors Needed in Boston.

The Registrar estimates that one-fifth must be added to cases registered for total number of cases asking or needing relief, thus giving Ward 10, 247 cases in all.

Yet, cases needing to be visited were only 35, or ONE-SEVENTH.

Cases in all Boston are estimated at . .	9,275
Cases needing Visitors in all Boston . .	1,325 on this basis.
If each Visitor takes two cases, only . .	662 Visitors.
Number of Visitors enrolled already . .	560

So that one more vigorous year's work should succeed in sending a Visitor into every family in especial need of what a Visitor can do.

Statistics are terrible things. Sometimes true, and often false. I confess I am startled, and am not convinced by my own figures. Yet they are the best, and indeed all the data now before me.

They prove —

1. The feasibility of sending one kind and good friendly Visitor to each needy family where there is any especial work to be done, or good result to be hoped, in any city of not more than half a million inhabitants.

2. That excellent results ensue in nearly all of the families befriended in this wise, tender, business-like way.

3. Prohibition of giving alms must be the stringent RULE of such Visitor's work, in order to secure these results of rousing and helping struggling families into a higher life, and to avoid the danger of sinking them lower into the quagmire of indefinite alms.

As an exception to this rule, a conference may, by deliberate vote, authorize the Visitor to give specified relief.

The rule remains wise, that relief should come from another hand, the trained agent of a thoroughly organized relieving society, working by wise and uniform and tested methods.

4. Christian sympathy will not, however, rest content with sending a friendly Visitor only where families may be lifted up. All that large class of poor old folk, who, in the decline of life, languish in poverty, appeal irresistibly for a kind face and a bright eye, as well as the loaf of bread, and all of these must come from the loving bounty of friends. This duty, which needs only to be stated to be felt, will indeed make a larger draft upon a corps of Visitors. And yet this work of restoring human relations between

the fortunate and the unfortunate cannot halt till it is fully done. May the day not be far away!

VI. OF THIS ONE-SEVENTH, A LARGE PROPORTION CAN BE BEST BEFRIENDED IN SOME EXISTING RELATION WITH SOME HOUSEHOLD, PLACE OF BUSINESS, OR CHURCH.

Let us beware of overestimating the work of this, or any charitable society. The best work in this world is done quietly, secretly, with no pretence or parade, in the various walks of private life.

Here are formed the relations of real friendliness between a rich family and a poor family, which are most blessed to both, the rich often giving work and always ready with counsel, and, if need arise, giving substantial help; while the poor man feels he has a friend to whom he can always turn for sympathy.

The relation of volunteer Visitor will certainly not supplant this other more natural and more permanent connection, which is that of kindly neighbors. Nay, rather, it should aim to grow into it, or often to develop such a relation between a poor family and some other rich family, where some looser tie has perhaps previously existed. As soon as this is done, the Visitor may devote his work to another case.

Secondly. Our stores and places of business employ porters, errand-boys, washwomen, and others in various capacities; almost an army drafted from the poorer classes. Is it too much to hope that employers will find time and sympathy to learn enough of the needs of their employés to aid them with cheer and counsel, and at times with extra work to save them from distress, or, better still, to refrain from discharging them in some temporary lull of work, when the regular earnings may be necessary to save the worker's family from want? Here also volunteer Visitors may find a chance for excellent work. They can often interest an employer and develop a permanent and kindlier connection between him and his employé.

Thirdly. Our churches need to learn to make their charity to their own poor more scientific; that is, more really helpful. Rich churches are often too free with their alms. Far better that a well-chosen committee should aim to help into independent self-support every poor person in the parish where this is possible, than to be content to support them in semi-idleness and total want of self-respect. Here, also, our voluntary Visitors often and easily bring

about this result, not of making the poor parishioner independent, but of making the church feel the responsibility and assume the task of wisely *befriending* its own poor.

The work of finding at least one good friend for every needy family will not seem to be so hopeless nor to require such an impossible army of volunteer Visitors, when we thus realize that a friend for a needy person can often be found in one of these three ways — either in a rich family at their home, or in a business man at his store or place of business, or in some kind member of his church.

Cities of the size and needs of London and New York are alone too vast for our complete grasp. In every other city of this country and of Great Britain, it must be possible, in no long time, to organize a corps of Visitors, who, in the ways now developed, can find or furnish at least one friend for every family in need.

VII. The Grand Results of this Work of Volunteer Visitors among the Poor.

"*The experience of the first year's work of our Associated Charities justifies us in calling attention to this fact, or rather this great discovery, that a gentleman or lady will, in a surprising proportion of cases, discern means to help a family into independence, if he or she goes into their homes and learns the whole truth, what the various members of the family can do or can be made to do; going there not only not to give alms, but prohibited from doing so, and therefore forced to study how to aid the family towards self support.*"

It is idle to enumerate the causes which can be removed by the counsel, the cheer, the encouragement, the sympathy, the brains, of a gentleman or lady full of the strength and joy of life.

No one will believe it till he tries, or doubt it when he has tried. Money, too, can often be wisely used,—sometimes in teaching a trade, or furnishing a sewing machine or tools, or in getting or giving work, or sometimes in making work; often in moving a wretched family from some den of disease into sunnier rooms; often in aiding sickly persons to regain their health.

Seven typical cases will show the value of Visitor's work in as many different kinds of needy circumstances.

1. A widow was left on Lincoln street with five young children. She got coal from the city, groceries from the Provident, sewing

from Trinity Society, and other aid from two or three friends. While the children were young, perhaps she got none too much to keep her family together. But the children had grown old enough for the boy and girl to begin to work and to help support. Two paths open before that family. Let relief from these many sources go on too long, and the children see supplies flow in unearned, and there is danger lest they learn to live on alms and are made paupers. A friendly Visitor made sure that the boy and girl went to work at the right age, and soon the family could live on their own means, without alms, and the family was independent.

2. A widow and six children on North street are all beggars in the street, and, as they can do no work well, find so little to do, that in their demoralized state they hardly think of seeking any, content to live on what they can get by beggary. A Visitor takes the eldest boy into his store at $2 a week, making a place for him, and watching and teaching him; finds a place for the oldest girl in a family at seventy-five cents a week and board; also, a place for the second girl where she can earn her board. He sends the mother to the sewing-rooms of Ward VI., where she is taught to sew, and earns fifty cents weekly, and is helped to find regular sewing at one dollar a week in addition; all, however, on condition that the whole family stop begging.

Three months pass by, and the Visitor found the family one Saturday evening counting up their joint earnings and in counsel how to use them. The whole family had been raised out of beggary into independence and conscious self respect.

The alms of all the relieving societies in the world would not only have been impotent, but would probably have confirmed the family as paupers.

3. Another case finds an aged father and mother able to earn but little, and dependent upon the support of a son thirty-six years old, who had earned till recently twelve dollars a week, but is now prevented from working by chronic ulcer of his leg. Hopelessness has settled over all, and the Overseers of the Poor give such relief as may piece out scanty earnings. The Visitor sent the son to the hospital for treatment, where after daily attendance for a fortnight he was so well, though not wholly cured, that he found work at ten dollars a week and the family again became self-supporting.

4. A mother sees the world so full of gloom that to hide the sufferings of her half-starved children she seeks oblivion in drink.

Punishment, imprisonment, will not cure the mother nor help the children. The cheer of a loving Visitor, work to do, sympathy, encouragement, may perhaps rescue the mother from discouragement and the demon of drink, and plant her on firm land, to the unspeakable blessing of her children, and the saving of herself.

5. Another woman has seen better days, but now in her distress knows no trade by which to support herself and her children. A friendly Visitor, who under our rules can give no money or its equivalent without the sanction of the conference, pays the sum needed for her to learn the trade of a hair-dresser, by which she can now easily support herself and family.

6. Another man is out of work in Boston, but if sent to a farm, can earn good wages. What better can a Visitor do than aid the man to go?

7. A family, with several children, in another case, are aided by the Visitor to move out of a damp cellar tenement into healthier and sunny rooms, to the permanent gain of all.

Cases might be indefinitely multiplied; but these are enough to illustrate in how many ways a friendly Visitor can help a struggling family into a better life.

1. Cutting off alms, and obliging children of the right age to go to work.

2. Finding, and even making work for mother and children, on condition that they stop begging.

3. Aiding a man to be cured of disease, who can then support his family.

4. Cheering up a discouraged and drunken mother to a new fight for life.

5. Furnishing means for a broken-down lady to learn a profession.

6. Sending a man to the right field for his labor.

7. Transplanting a family from damp, unhealthy tenements into sunny rooms.

Among the pauperized classes of a great city, the chief obstacles are two, usually found together: lack of all skill, and lack of all hope. They can do nothing well enough to get work, and they are sunk in despair. They will make no effort to help themselves, or if you succeed in inducing them to try, there is so little they can do!

Leave them as they are, and they sink lower. Their children grow up in the midst of pauperism, expecting, if not even preferring, to be paupers like their parents.

Industrial training-schools are a potent remedy. Growing out of the Associated Charity work and experience in Boston, many agencies for training women have started. Chief among them is the North Bennett Street Industrial Home with its laundry, its rooms where women are taught sewing, cutting, and machine-work, its carpentering for boys, with a kindergarten school for girls, and a *creche* for infants. The laundry can point to many poor women now earning their own support, who a year ago were dependent on alms.

The relations, growing out of teaching these poor women, enable a Visitor to gain a friendly and powerful influence over them, inspiring them with new hope, and confidence, and self-respect.

Thus, a certain degree of skill and a new hope replace the old ignorance and despair, and so the two most fatal obstacles are often overcome.

Volunteer visiting is the only hope of civilization against the gathering curse of pauperism in great cities.

Thank Heaven, it is equal to the task in all the cities of this land at least, unless we must except New York, where the aggregation of paupers has become so vast, and so prolific, and so entrenched in regions of their own, remote from the homes of the happy, that, as Miss Hill says of London, "The problem has become appalling, gigantic. Viewed in its entirety it might almost make us tremble."

Conclusion.

These are the results of our present experience with the work of volunteer Visitors among the poor.

I. They must rigidly refrain from giving alms, and, when they or their critics accuse them of cruelty, remember that the best welfare of the poor must be the controlling consideration, and "that while a kindly impulse may prompt you to give relief, your duty to the family requires you to consider their moral good, and not the gratification of your emotions."

Alms can be more judiciously given by trained agents. You are to give — what is far more precious than gold or silver — your own sympathy, and thought, and time, and labor.

As an exception to this rule, when you know your family and yourself well enough to be sure you are acting wisely, money, or what money buys, may be added to your other gifts to your poor friends.

II. This work of volunteer Visitors can be aided and powerfully supplemented by an expert paid agent.

III. The counsels of a Conference will be found almost always welcome to guide and cheer and assist your efforts.

IV. Owing at present to the necessary economy of our visiting resources, only about one-seventh of all the out-door poor will need the especial aid of a Visitor.

V. Visitors can often find in existing relations of a poor family with some household or place of business or church the chance of giving them the needed friend.

VI. The objects of the Visitors to aim at will then be —

1st. To make sure that children do not grow up paupers.

2d. To aid in finding work for all who are able to work.

3d. To train in skill all who are deficient.

4th. To make sure that health and home are as well as may be.

5th. To inspire new hope and self-respect.

VII. The results of this work, when faithfully and tenderly done, are more than its most sanguine friends ever expected, and offer the first reasonable hope that the growth of pauperism may be repressed.

APPENDIX.

IN WARD 10, BOSTON, IN ONE YEAR TO JULY 1, 1880,

Total am't of relief.			
$65 00.	3	families	received permanent relief because sick.
183 00.	17	"	received permanent relief because aged.
14 00.	3	"	received temporary relief because of accident.
230 00.	29	"	are working, and needed supplementary aid when unable to support their families.
94 00.	28	"	are working, and it is hoped became able to support their families.
17 00.	10	"	are improvident or vicious to such a degree that they should receive no relief.
—	3	"	needed hospital treatment or fares.
—	10	"	have left city, are dead, or were not found.
$603 00.	103	families.	Average of less than $6 to each family.

This $603 is the total amount of relief given by Overseers of Poor, Provident, St. Vincent de Paul, and other societies, so far as known; the value of coal, clothing and rent being estimated.

OF THESE FAMILIES, THERE WERE,—

ɛ, . .	4.	1 aided temporarily. 1 probably needing permanent relief. 1 sent to hospital. 1 sent to almshouse.
ɛd, . .	5.	4 of whom need permanent relief. 1 still nearly supports herself.
lows, .	52.	14 were aged, needing permanent relief. 2 were sick, needing permanent relief. 28 working, and only needing supplementary relief. 1 was forbidden to beg by a son able and ready to support her. 1 undeserving. 5 were self-supporting or befriended.
ge Families,	15.	All are working and could become self-supporting.
ers, .	21.	1 needed to have a daughter looked after who had had an illegitimate child. 6 needed to find work. 2 needed protection against drunken husbands. 1 fraud. 6 undeserving and not needing relief. 1 temporary accident. 4 self-supporting.
found, .	6.	
	103 families.	

OUT-DOOR POOR OF BOSTON, 1879–80.

	Ward.	Census.	Cases registered July 1, 1879, to July 1, 1880.	Estimated total families (1-5th being added).
East Boston, . .	I., . .	14,825	126	151
	II., . .	15,303	141	169
Charlestown, . .	III., . .	11,504	156	187
	IV., . .	11,315	150	180
	V., . .	11,022	146	175
	VI., . .	16,922	700	840
	VII., . .	12,928	549	659
	VIII., . .	12,765	490	588
	IX., . .	12,311	404	485
	X., . .	11,470	206	247
	XI., . .	16,579	191	229
	XII., . .	14,929	762	914
South Boston, . . .	XIII., . .	21,518	737	884
	XIV., . .	20,676	229	275
	XV., . .	14,974	193	232
	XVI., . .	15,179	605	726
	XVII., . .	14,401	347	416
	XVIII., . .	13,168	148	178
Roxbury, ...	XIX., . .	19,972	525	630
	XX., . .	17,421	269	323
	XXI., . .	14,679	99	119
	XXII., . .	12,742	162	194
West Roxbury, . .	XXIII., . .	14,032	135	162
Dorchester, . .	XXIV., . .	16,881	129	155
Brighton, . . .	XXV., . .	6,422	10	50*
No residence, . .	– –	–	107	107
		363,938	7,776	9,275

* Estimated (34 aided by Overseers of the Poor).

D. THE CARE AND SAVING OF NEGLECTED CHILDREN.

BY MISS ANNA HALLOWELL, OF PHILADELPHIA.

(Read September 10.)

Could we wisely determine the course to be pursued in the treatment of children who are variously classed as delinquent and dependent, vagrant and neglected; could we penetrate intelligently enough into the past to know accurately the causes of present conditions, and decide upon a specific remedy for each form of the disease as it manifests itself, pauperism, with its attendant evils, might speedily receive its death-blow. Wise heads and benevolent hearts were never more actively and zealously at work than today, for the realization of the fact that if the children can be reached in their earliest years, and influences brought to bear upon them throughout their lives, corrective of inherited tendencies, not only they as individuals but future generations must be so affected that vice and crime would wither and fade away for lack of what they feed upon.

Of the wide range of problems that are presented for solution, none have so hopeful an aspect as those whose objective point is the improvement of the condition of children. In this we see the two most important factors,—prevention and cure. Hope enters largely into the prosecution of any scheme, whether philanthropic or otherwise, but becomes the main-spring of all beneficent work for the young. It is inspired by the knowledge that the God-implanted seed of goodness, the inheritance of every human creature, may be so nurtured that in its very process of growth there must be beauty and vigor, and in its maturity fruition. By its side stand the sister-spirits of religion, based upon the new commandment of love to God and love to man, pure morality, reverence for the three-fold being, the trinity of the physical, mental and spiritual, as united in a human being by the Maker of all things, seen or unseen. We know the law of heredity visits upon the children the sins of the fathers, but they are the tares that come with the wheat. We *must* believe there is always enough good seed,—it may be the single one which gives a man sonship with the Divine Father, in which is contained a whole harvest of ripe grain,—or we shall water and cultivate without avail. This principle granted and acknowledged as the starting point, the duty that lies

before us is simplified, although the high standard it continually urges us toward may at times seem far beyond our reach. The records of past experience, a sure teacher and our best adviser, have heaped up results of theories carried into practice and found valuable for a time, but whose usefulness and application are becoming mere facts of history. It remains for us to seize the valuable principles involved and apply them with the added knowledge that the enlightenment and civilization of our own day afford.

The recent tendency towards association in charitable work, as shown in Prison Congresses and Conferences of Charities, and as exemplified in the organizations for united work in Boston, New York, Philadelphia, Buffalo and other centres, permeating with vitalizing effect more remote localities, brings the strength of a brotherhood of interests which, if cordially welcomed and acted upon, will far exceed in attainment all that emulation or local pride ever has accomplished or ever can. We may thankfully hail the dawn of a better day when friend meets friend with the inquiry, "What can we do together for the good of the whole?" In the work of Associated Charity, the noblest and best energies find a field for practical development and experiment, tested by the wisdom of older civilizations and infused with the new life of younger and more active powers. Unity of hopes and purposes, power and willingness to give and to receive, to endure all things, and to cleave only to that which is good, will make true charity the verity the great St. Paul wrote of.

To become the connecting link between all efforts to ameliorate the condition of dependent and criminal classes, is the happy function of organized, or, to use a kindlier term, associated charity. How shall it be made available in the care and saving of children? There are two classes to be considered, and they are very distinct; the children of poverty or misfortune, and the children of pauperism. Associated charity finds agencies multiplied everywhere for both.

Dr. E. C. Wines, in his last great work, has described all the child-saving institutions in the world, showing how the principle of our modern treatment of the subject took root far back in the dim twilight of civilization, and the gradual advance it has made through the devotion of wise and good people, as individuals and nations. He dwells forcibly upon the one that must stand the test of time better than all others, but which could not fitly be enumer-

ated among those of human devising, holding as it does an independent and sacred place, — the institution of family-life. The former have received their necessary and well-deserved attention, but where shall we find line upon line and precept upon precept tending to the preservation of the latter? There is a great work to be done in this direction. It should be the fundamental principle of Associated Charity in its care and saving of children. It will need all the aid it can get from thinkers and workers in the fields of Political Economy and of Social Science. The three form a mighty power for the prevention of crime and pauperism. Associated charity naturally acts as the executor of the others, to facilitate more speedily the development of schemes or prove their inadequacy.

The exhaustive treatment by French writers of the destructive effect of certain kinds of labor in the manufacturing towns of France upon the family life of the working classes, may well make us pause and consider. We are already becoming too familiar with the picture of a father leaving the home at an early hour in the morning for his work in one mill, of the mother following to another, the children being consigned to a crèche, or *salle d'asile.* If no such provision can be made for them they take their chance with a neighbor or become vagrants upon the streets. At night, if perchance they all meet together again, the home is cheerless. Fatigue, cold, hunger await them. How can there be a smile of welcome or even the rudest preparation for a meal, or warmth or comfort for weary minds or bodies? Can we censure them if all are led away to the worst haunts of immorality and sin? Sad will it be if we drift into conditions such as we read of, heedless of the warning. Shall we not be creating criminals and paupers all the while we are inventing schemes for their suppression and prevention?

Let the political economist adjust the rate of wages, keep the balance between capital and labor, see to it that factory work is done by men, and that women supplement it only as the work can be done in the home; let the legislator close all such avenues of labor to children, substituting the education that may fit them to perform it intelligently, when of proper age; and we may exhaust another source of supply to the stagnant waters of vice and degradation.

The home is the fortress of the American people. It is the great privilege of Philadelphia to point to the houses of the work-

ing classes and to many of those on a lower plane, and to know that whatever else befalls, the home will be kept intact just so long as there is the tie of husband and wife, of parent and child, to hold it together. Popular opinion demands this; it is ingrained in the hearts and habits of the people. In New York there is a determination on the part of the rich and benevolent to make good homes of tenement houses, and wise people in all localities are resisting the tendency to crowd numbers under one roof, or to separate parents and children either for work or education.

Let us build the home before we establish the institution, that it may be the last office of charity to step in between those whom natural ties of relationship bind together. We may not always see truth in the statement that a bad home is better than a good institution, but if there are elements in it capable of improvement, time should be taken to encourage their growth to the utmost before we resign the hope of restoring it to a higher ideal. Then, when we have done what we could, we may be thankful for other means of help at command. Associated charity has large bands of good men and women whose duty and pleasure it is to visit such homes and encourage their preservation. Individual influence with individuals is what these devoted people find themselves especially called to, to make the personal element felt as nearly as possible as a good father or a good mother does, or a friend to whom we are dearer than life.

Practical lessons given with tact are the best aids, teaching mothers good methods of cooking, of preparing proper food for the sick baby or neighbor, showing them how good or bad air may affect health, and helping them to realize the importance of ventilation, the economical use of fuel and clothing; and infusing religious, moral, intellectual instruction to cement the whole. Fathers should also be made to realize their importance to the family circle, outside of the mere matter of providing bread for hungry mouths. This is their accepted duty. But who of us has not seen the tenderness of the strong man to the little child, when its feebleness appeals to him for care and protection! It is often possible to arouse him to a sense of the sin of neglecting those whom God has committed to him, by his indulgence in degrading habits, if we insist that he shall take some responsibility in the care of the children. In saving a home we may save the children, and help them all to a better life. Where do they belong preëminently but in

the family! The institution of family life! Place it first as the divine institution to be fostered and perfected. In the accomplishment of such an aim are included the collateral helps of education in every department. Such visitors adopt the poor as their own, being bound to them by patience and long-suffering, for better or for worse, in a life-work.

However large a proportion of neglected children these suggestions may be applicable to, there will doubtless always, in our large cities, continue to be a sad and ever-increasing troop of appealing little ones to whom the natural delights of home and its blessed relations must remain sealed forever. To these we should give the nearest approach to family life possible, even if it be in institutions. We have before us, for imitation and improvement, those on the cottage and family plan of European nations, the principles of which have already been applied to some extent in this country. Economy of resources is the plea brought forward by advocates of the congregate system. Does not a thoughtful consideration of the divine plan in the creation of a child, and a wise penetration into the laws that govern its development, show us the false economy of suppressing the individuality of a single being in order to clothe and feed a number, and mould them, like so many pieces of machinery, after the same pattern?

There is one halting place between the child's own parental roof and the institution, — that in a good adopted family. The records of such organized societies as the Children's Aid of New York, that for the Prevention of Cruelty to Children, and others, give ample proofs of the good results of the placing-out or boarding-out system, and corroborative testimony is found in the longer and larger experiences of foreign countries. Where it is possible, it is better to avoid the institution entirely, but if there must necessarily be a temporary home, in many cases the stay need be very short. It is an accepted notion that children must have at least two years of institution life. Why not trust at once to the personal influence of a good man and woman, with good surroundings, who have some idea of the sacredness of the family tie, rather than to the danger of still further contamination from congregated viciousness? It is objected that enough families cannot be found to meet the demand. Have we tried to exhaust the supply? The Children's Aid Society of Hampden County, Mass., has set an example worthy of imitation in the excellence and simplicity of its methods.

The superintendent of a ward of over 10,000 inhabitants, in Philadelphia, in the employ of the Charity Organization, has a list of families ready and waiting to adopt children as soon as they can be supplied, and they express their willingness to take them directly from the streets. Why detain them in an institution if such is the case? Proper supervision under official control, or by volunteers who have time generally at their own command, can secure kind treatment and protection from abuse. The child itself, to an experienced visitor, is the best assurance. It is seldom that children taken into such homes are badly treated. On the contrary parental instinct is quickened into sympathy and love by its dependent helplessness.

We may accept institutions as stern and sad necessities and use them as a physician uses a drug, to help nature throw off the disease, not substitute it for the steady, curative treatment which comes with long, faithful nursing. Dr. Wines urges the family proper as more propitious for the reception of such children whose misfortune consists in their poverty or orphanage; but in view of the hundreds, even thousands of families that would constantly be required for the reception of all candidates from the child-saving houses, he makes it of first importance, "that institutional arrangements be made, which will, so far as possible, approach the idea of a Christian home, having all needful qualifications for the work. Our houses of correction and our reform schools, with their solitary confinement for the inmates, are disqualified to perform the work required. We know full well, that most, if not all, of our reformatories originated in true Christian sympathy for the unfortunate youth of our cities and the country at large. Nor can it be denied, that in all of them are found officers of true Christian devotion to their work; yet these reformatories are not families. The spirit that should be felt by a child on entering the child-saving institution must be stronger than partition walls, stronger than the law of perfect silence, stronger than bolts and locks, stronger than hard labor, great severity, instructions, fines, punishments and rigorous supervision by the officers." Truly, the spirit of love, as it was manifested in the great Teacher, and was taught by Him, ought to permeate everything that concerns the welfare of a child.

Naturalness is an element of character to be cherished and turned to account. In its unimpeded growth consists individuality. This is crushed out when he is one among hundreds. In a visit to

an infant asylum what heart can fail to be touched with the appeals from very little children to be caressed as a mother does her child? I was greeted by a chorus of feeble voices on entering one of the great nurseries of one of the best institutions for foundlings in our land, with, "This is my mamma!" The beautiful and tender "sister," who was my cordial hostess, explained that she comforted the babies by telling them she would find them a mamma, and every stranger that came in became in their eyes the promised treasure. She took many of them in her arms in a loving way for a moment in passing, but it could be but for a moment. There were hundreds in the building, and it was impossible to respond to the longing of each child. This institution keeps the children six years before placing them in families and until very recently a much longer time, till they were quite grown.

Take the children of an older growth when intellectual and moral influences make their deepest impressions. We dread the contamination of numbers for our own children, shielded by every device that love and knowledge, the protection of society and the power of religion can invent. Some of the initiated know the horrors revealed when the veil has been lifted and they have had glimpses of the evil that really exists in institutions where least suspected. Can we refuse to those who are ready to perish, the benefits of acquired experience in the matter of educating brains, and minds, and hearts, that we shower upon our own? They are, in one sense, our own, allied to us by the great common bond of human brotherhood, the children of one Father.

New methods of education are opening a new era in the intellectual and moral development of children. Natural powers are sought out and nurtured by processes best adapted to individual needs. As yet we have realized these advantages to a very limited extent. I was present at the recitation of classes of girls in a great State penal institution, in a community, probably the most enlightened in our country; one that has given more attention and shown more solicitude for its "children of the State" than any other. I judged the ages of the girls averaged fourteen. They sat motionless with immovable faces; it seemed to me as if every limb was held in place by mechanical appliances; every eye was fixed, I could not tell on what, on vacancy, as we say, — I thought that not even an eyelid winked, and all was lifeless. The teacher opened a book on geography and called on a hard-visaged

pupil, from whose countenance every trace of gentle, refined girlhood had gone (perhaps none had ever been there), and asked, "What are the principal fashionable watering-places in the United States?" What greater mockery of that girl's experience in life, if indeed she knew the meaning of the question!

In a class-room in a reformatory institution in the same State, a little child was required "to bound China, and give the principal cities." A friend who was with me listened just so long as she could, and the necessity to break up the oppressive deadness impelled her to speak. The teacher willingly acquiesced; it seemed almost as great a relief to her as to her pupils. Then my friend told of her life in California, and how she had employed Chinamen as servants; described their habits, contrasted their ability and management of affairs with that of our own domestics; told how a household was ordered in their country; described their dress in minute detail and their droll use of English words, until a smile broke over the inanimate faces and the whole class was listening, interested and responsive. The sleepy ones woke up and one or two ventured to ask questions. I thought the five minutes' talk had taught them more about China than a whole month of questions and answers from the book. When we are willing by way of instruction to put our every-day life before these children, and when possible live it with them, books may take an entirely secondary place. These illustrations may serve to show how inapplicable our present kind of instruction is, or how little likely it is to make practical men and women. It is modified more or less in different localities but as a rule it saps the intellect rather than gives it life.

The classification of dependent children with a view to their education or reformation, should be under three heads: 1. In the family proper. 2. In the family by adoption. 3. In the institution on the family plan. Well organized association in charitable work has increased opportunities to apply principles to practice, to centralize information, to affect education, to bring about reform, to insist on efficient legislation, and lastly, but greatest of all, to exert private, individual influence. With a future full of faith and hope let it take up its work for the children.

II. THE PRINCIPLE OF VOLUNTEER SERVICE.

BY MRS. FLORENCE BAYARD LOCKWOOD.

(Read Friday, September 10.)

The object of this paper is, as its title indicates, to suggest one aspect of volunteer work. It is not proposed to deal with the subject historically, nor to dwell upon those kinds of volunteer work, specimens of which are to be found in all countries, under all forms of government. Viewed in the broadest and deepest way, there is much that is identical in all volunteer service. The same spirit inspires it, whether it be the work of a permanent organization or the isolated and temporary effort of some one man or woman. The motive power is always the same, and whatever shape its manifestations may assume, they are all distinctly recognizable as the working out of the same noble impulse, the same divine desire, filling the hearts of men and moving them to give willingly to others of their money, their time, their wisdom and their strength, spending themselves and being spent for the good of their fellows. This impulse to bear and lighten the burdens of others had vaguely stirred the atmosphere of men's souls at times since the world began, but was first made the corner-stone of a system of teaching eighteen hundred years ago.

But the consideration of volunteer work and its general principles, viewed as the expression of the generous desire of men and women to alleviate suffering, to relieve distress, to reform abuses, — in a word, to make the world better than they find it, — is distinct from the object of this paper.

There is a difference between volunteer service in this country and elsewhere; a difference, not merely of form, but of kind — a genuine and profound difference, which induces us to consider the principle actuating volunteer service here separately and apart from volunteer service elsewhere. In seeking to ascertain and define this essential difference, we must strike through the superficial regions of emotion and sensibility, and penetrate to the basis upon which all good work must rest; that is, to the principle upon which it depends.

What is meant by the phrase, "volunteer service?" No greater mistake could be made than to conceive of volunteer work as a substitute for official work, under any form of government, or as some-

thing done in antagonism to it. Volunteer service necessarily assumes and presupposes the existence of officials and official methods of work; and aims, not to render them superfluous, but to increase their efficiency, stimulate their activity, and constantly inspire them with new life and vigor. The wheels of government must revolve in official grooves, and in obedience to the exertions of its officers employed to do its work; the attitude of the volunteer is that of the skilful and wise charioteer who guides and inspirits the steeds, which, without his watchfulness, would carry the coach and its passengers over a precipice or land it in a bog. The highest and best standard of official work must necessarily be imposed upon officials from without, and is in exact proportion to the standard erected for it by the enlightened public opinion and sentiment which is created by those men and women who voluntarily inform themselves of how things are, and how they ought to be, and so serve public interests.

The broad term, then, "volunteer service," means that voluntary and unsolicited labor, whether of thought, word or deed, uncompensated by place, power or money, which men and women may give to the service of the community or country in which they live; whether it be given to raise the standard of public duty, to reform the administration of public affairs, to infuse greater wisdom and humanity into the management of prisons and asylums, or to check the spread of vice and impede the growth of pauperism. In a word, it means all service rendered willingly and disinterestedly to public interests and the common weal. In making this definition reference is had rather to that service which aims at reform than to that which deals with mere alleviation of suffering; and this because one characteristic idea of modern thought is the conception of charitable and benevolent work as an attempt to *better* things in their essentials — an alteration and reformation of causes of evil — rather than the mere dealing with results of false principles, striving to evade their operation and avoid their consequences. To the modern philanthropist, charity no longer means the acceptance of pauperism and vice as chronic and incurable diseases of communities, and as a sequence the attempt to modify the distress and diminish the suffering which they cause; it means seeking for the root of the evil and aiming at its extirpation, — something at once more serious and more sanguine than it formerly did.

Unquestionably much of the outcome of that spirit of self-sacrifice and devotion which is, in its truest sense, public spirit, is to be found in the work of volunteers trying to supply temporary needs and afford superficial relief; work often springing from the emergency of the moment and ceasing with the expiration of the impulse which gave it birth; but it will be found that, in the present day, the great bulk of volunteer effort, whether of individuals or of organizations, is essentially directed toward *reform;* and it is in this respect and character, as being at once the broadest and most distinctive, that we would consider the principle of volunteer service in the United States.

What is it which makes volunteer service so different in its inspiration and outlook in America from what it is in other countries? Simply this, that it represents the characteristic principle of our government, expresses its most intimate idea, and upon its development depends the measure of success to be attained by our experiment in republican government. Elsewhere, almost invariably, volunteer workers must aim at altering the superstructure, even the foundations of the government under which they live; here, the volunteer finds that to obtain the fulfilment of the laws the execution of the scheme of government already existing is the surest and most direct method by which his ideal may be attained. At once, in attempting a reform in any direction, it is made manifest that more can be done here than anywhere, and that therefore more should be done. In other countries, many of the evils which are assailed by volunteer workers are evils the ultimate causes of which are interwoven with the very fabric of the government under which they exist; they are the modified expression of inhuman, unjust, savage and lawless modes of thought, which prevailed in society hundreds of years ago, and which, having crystallized into laws and customs, still affect its constitution.

England is an admirable example of this. Nowhere in the world does private benevolence pour out its stores of money, time and strength with so great energy and lavishness; yet it is powerless to do more than alleviate the misery whose causes lie in the existence of laws and the power of dominant social ideas which are an essential part of the structure of English society.

Here, in the United States, the situation of the reformer is far different; no impediment to his efforts is to be found in the principles on which our laws are based, or in the unwritten law of our cus-

toms and manners. The foundation of things needs no alteration. We cannot call to mind too frequently or earnestly that what needs reform with us is the way in which our laws are executed and interpreted, not in the matter of the laws themselves; that what is wrong in our political and social life is not the principles on which it is founded, but the dereliction from those principles which, if faithfully followed, would keep it sweet to the core. Herein lies a great and essential difference between the work of volunteers here and elsewhere, in its vaster scope, deeper efficacy and higher hopefulness. Here no disease of the body politic springs from constitutional vices and radical imperfections of nature; cut but deep enough, and long before the seat of life is reached we come to health, vigor and soundness.

Benevolence, reform, and public spirit, need never accept a compromise with their ideal standard in this country; all avenues are open, all doors unlocked on the road to the ideal state in America, and we are bound to demand the best condition of affairs, because it is a practicable reality, not the dream of a visionary, nor the delusion of a fanatic.

Here the volunteer reformer, instead of coming perpetually into collision with facts of law and custom, which block his path and break and foil his weapons, finds that he who works most consistently in accordance with the fundamental principles of American government and civilization, will, by virtue of such conformity, be the truest and most successful reformer.

The sickness of our country, or city, or community, is always acute, never chronic, nor incurable; and so cure and remedy must be aimed at, and mere alleviation scorned. Practically, every volunteer worker will bear testimony, in entering on the work of reform here, however aggravated the immediate condition of the institution, or the system to be attacked, however corrupt and inefficient, still the reformer instinctively demands a thorough reform, aims at a complete and radical change, because he believes that here, as has been well said, "Nothing is ever settled until it is settled right." So it is but rarely that volunteer workers in this country ask less than the best, or aim lower than the highest; almost uniformly we find that both as individuals and as organized bodies, they start their reforms with the object of attaining the best possible condition of affairs.

It is this sense of working in harmony with the intention of

our government of always finding, so we but dig deep enough, the ideal that we believe in, and seek to make real, lying at the foundation of our institutions, this consciousness of the existence of a noble design which needs no re-modeling, which we have but to faithfully execute, — which gives such courage and such hope to volunteers in the United States.

But it is when we ask ourselves the *reason* of this harmony of purpose and motive between the volunteer reformer in America and the government under which he lives,—the explanation of the vastness of the field which opens before him, the sense of unlimited possibility of achievement which he breathes in from the surrounding atmosphere, — that we recognize the weight and solemnity of the obligation laid upon his shoulders.

On the practical development of the principle of volunteer service in American life depends the success of our experiment in republican government; if it is to stand fast and flourish, such service is obligatory upon every one of us; and in proportion as we recognize and fulfil this obligation, will the essential and vital principle underlying our institutions be carried out. The volunteer worker is not an accessory merely to our system; he is the mainspring of the machine, the key-stone of the arch. The practical success of our theory is predicated on the assumption that the volunteer worker and his services are everywhere present, everywhere active; that our officials are recruited from the ranks of volunteers, and that as fast as a gap is left in their ranks, it is filled from an inexhaustible reserve. In other countries it may be optional with men and women whether or not they will spend time, thought and strength, in voluntarily serving public interests; here the withdrawal of the principle of volunteer work arrests the action of the organization. Its motive power depends upon volunteer force. In other governments, born of the will, and created for the pleasure and aggrandizement of one man, or one set of interests, either of a class or a community, the mass of human beings being under their rule have no such obligation laid upon them, for no such power it placed in their hands. Whatever virtue or wisdom the provisions of such systems contain, can be developed without their voluntary help. Officialism, a bureaucracy, a well-organized mechanism,—not depending on inspection or suggestion from without to keep it efficient and pure, but administered by a central power,—something over which they have no influence, concerning which they have no

responsibility, which does not exist by or for them; such the administration of public affairs may be, for the inhabitant of other countries, and under such conditions the work of volunteers naturally limits itself to the starting of soup kitchens or endowing of hospital wards; it can attack the evils it sees only in their surface manifestations.

It is far different here; in the United States, the inherent idea on which the government is based, may be fairly called the *idea of volunteer service*, the idea that, in some form or other, we all owe a portion of our thought, or time, or strength, or wealth, to public service. It is emphatically the business of all of us; an obligation laid upon us all. This idea can be traced throughout the whole scheme, it is visible in our weakness as in our strength, or rather we see that our possible weakness lies in ignoring or disregarding it. Leave out the tacit assumption that each and all of us are interested and concerned in the administration of public affairs, responsible for it and willing to aid in making it wise, upright and energetic, — and our whole system of government becomes a series of loop-holes, through which corruption, injustice and incapacity may enter and overrun us. It has been so with us from the beginning; it is written on every page of our history. The best work ever done by American citizens has invariably been done in the spirit of volunteers, and not unfrequently under the conditions of volunteer service. From those early days when Gen. Washington refused compensation for his services as commander-in-chief, down to the time, not so long gone by, when volunteers saved the Union, it has always been felt by those who truly understood the vital principle of our government, that it was identical with the principle underlying volunteer service. The scheme laid out in the beginning by the founders of the republic, was based on the conviction that by putting certain powers in the hands of men, and laying certain obligations upon them all alike, a mighty force would be evolved, a force that would insure the success of the experiment that was about being made in society. That force was the force of willing, disinterested, personal service rendered to the common weal by individuals, — not working in official channels nor hampered by the conditions that invariably attend the fulfilment of official duties,— but service done, in the beautiful phrase, *con amore*.

Let that force become inert, and the scheme which was to be executed by means of it necessarily fails. It was not on perfection

of organization and skilful complexity of mechanism that the modelers of our government relied to secure its successful working; it was on the quickening power which they believed would make of it a living body, not a machine, and which they confidently assumed would be perpetually infused into its veins by the operation of the great principle they had set at work — the noble idea upon which they had built.

Many governments had flourished, built upon the knowledge and recognition of the weaknesses, passions, vices and follies of human nature; it was decided to test here the strength of a structure founded on the conviction that by giving men the best, and asking from them the best, a noble result could be attained.

In other countries, public affairs belong either to a class or a body of men; the people at large are not responsible for their conduct. Nor have they power, other than a very indirect one, to alter their management, — but here there is no dividing line between rulers and the ruled. We make our own laws and enforce them ourselves. There is no provision made for our being properly governed, for our affairs being looked after efficiently, by officials. The larger share of power we reserve for ourselves and do not delegate to our employés. The result of this is, that however bad an abuse may be, the community in which it exists is responsible for it, because the public sentiment and will of the community alone can rectify it, and each step toward reform is taken in the name of us all.

It is as true as it is trite to say of political life in America at the present day, that the tendency to allow public affairs to be managed by men who make a business of it, is at the root of all corruption and inefficiency in their administration, that the operation of such a tendency defeats the intention of our system, and nowhere is it more true than of those departments of government which are not apparently and distinctly political in their character. The management of our poor-houses, jails, insane asylums and hospitals, suffers as much from the withdrawal of the service of the volunteer workers as do our Legislatures and our houses of Congress. Officialism may deepen its ruts and widen its channels, we may multiply "boards," and create office after office, yet we cannot reach the ideal condition of affairs unless we employ ideal methods. It is utterly impossible to substitute self-interest for public spirit, as a motive in the public service of the United States in *any* de-

partment, and not have that service suffer; simply because, without true public spirit, the machinery of American government will not perform its functions rightly, because the cardinal idea of our system is that a constant infusion of the volunteer spirit should take place; and upon this alone can we rely to keep the body politic a living thing, instead of a machine.

The tendency grows daily in this country to delegate in every department the management of public affairs to officials, to a bureaucracy; with great plausibility it is said that people who spend their lives in doing a thing, must do it better than any one who only busies himself with it for a time, and that the less these officials are interfered with the better. If the absence of interference is made to mean the granting to officials power commensurate with their responsibilities, and a sense of security in tenure of office, most assuredly it will be admitted that their work will be better done on such a basis than if they feel that they are held responsible for a state of affairs which they have no power to alter, and that they hold their positions not by virtue of merit, but at the mercy or caprice of a political ring. But if absence of interference means that the public are content to remain in ignorance of the state of affairs, and are utterly indifferent and unconcerned as to their management, then we must alter our principles of government, and aim at the good results which follow a different system. Practically efficient as a centralized "paternal" government may be, we must uproot our very foundations as a nation before we can shift our responsibility as individuals on to the shoulders of a body of officials and an army of clerks. If we want to be "more governed," as we often are told, it is to be more governed by ourselves; to know more and care more about how things are done, how they should be done, in every department of our government, and then to see to it, ourselves, individually, that they are better done.

The consciousness that we are not fighting against our government, but for it, when we attack abuses and clamor for reforms, should give volunteer workers a great and grave sense of responsibility and dignity — we are minding our own business, in the strict sense of the word. The real strength of the government in the United States is to be measured by the strength of the volunteers who are willing to serve it. This was triumphantly attested by the war; and the result will be the same whenever the test is applied. No officialism, no mere routine methods, however wisely and skil-

fully organized, will ever suffice to maintain the national and State administrations pure and efficient. They need a constant influx of life and vigor, which can only be given by the men and women to whom they belong, working constantly in their service.

No comparison could be more contrary to the truth, and, therefore, more illustrative of the result of the present tendency to confide public affairs to the hands of a body of men distinct from the citizens at large, than the one now on every one's lips when describing the condition of American politics, — "the machine" does this or that, we are told; "the power of the machine" is omnipotent, nothing can successfully resist it, through its operations the country is governed; and, as the progeny of the big machines which control general affairs, have sprung up a host of smaller, but equally active machines, in every State, almost in every community.

There is but one force which can meet and break the power of the "machine." Does any one doubt what it is? It is the force evolved from the vital principle of our government, the power of volunteers in every department of public service putting their shoulders to the wheel, in the "primaries," in the municipal boards, in the Legislatures, at the polls, in the inspection or supervision of public institutions of all kinds; informing themselves of the way in which public affairs are managed, and public funds expended, raising the standard of the performance of public duty, and enlightening and stimulating public opinion, making the body politic a living thing instead of a soulless machine.

Here then is the great privilege and transcendant obligation of us all, the privilege and obligation of serving voluntarily and disinterestedly the common weal. It is the fountain of good government and sound administration for the whole country; without volunteer service the body politic becomes dead and corrupt. There is no abuse, however flagrant, however deep-seated, that the most obscure of us all may not attack with the prospect of uprooting it, because every man or woman who offers willing service of this kind to the community becomes by virtue of the act a true representative of the essential spirit of our government. There is no provision made by our laws or customs for the maintenance of a thoroughly pure and efficient administration of government exclusively through official channels. Our safeguard, our remedy against evils of all kinds, our really potent method of maintaining high standards and

obtaining noble results, is the force of public opinion, actively interested and thoroughly informed about public affairs, and consequently resulting in public action.

In the hands of volunteer workers, and in their hands alone, rests the power to enlighten this force of public opinion, and then to rouse it to action. In this country it is always to be relied upon as an ample safeguard against the dangers which elsewhere must be frustrated by official action, or not at all.

Whenever public sentiment is appealed to in the United States, in behalf of reform and right-doing, it invariably responds; when it sleeps, it is not a sleep of languor or torpidity, but a sleep from which it awakes as a warrior from his slumbers, refreshed and in full armor, at the call of its faithful sentinels, — the volunteers.

III. THE RECREATIONS OF THE PEOPLE.

BY GEORGE B. BARTLETT.

(Read Friday, September 10, 1880.)

The importance of having a good time seems to have been much underrated by the American people, at least in their early days. The stern necessity of earning a living has been to most of them the first, and too often the last requirement of their lives. The grave old Pilgrim Fathers seem to have practiced an asceticism and self-denial which not only held pleasure of little account, but even looked upon it as sin, or at least as an idle waste of time. They had enough to do to make and defend their simple homes, and cared little to adorn them with the graces of idle amusements. Perhaps "all work and no play" might have made dull boys of even those holy and noble men, and caused them to be more respected than loved, to judge from a toast given at the Memorial Society by one of their descendants, in reply to a eulogy on the Pilgrim Fathers. "I wish," said he, "to toast the Pilgrim Mothers, for they had to endure all the labors and privations which have so well been enumerated, and they had to endure the Pilgrim Fathers also."

The excesses of Merry Mount doubtless deserved the righteous sentence and swift destruction which they received at the hands of these heroic and Christian men; and the fall of the first May-pole put an end to the attempt to revive on the new continent the merry and graceful, if superstitious, rites of the old world. Their Calvinistic ideas seem to have lingered until modern times, and to have found an echo in the words of the Andover student, who replied to a remark calling his attention to the glory of the autumnal foliage, on a Sunday morning, with the text, "Let not my soul behold vanity." This may be an extreme case, but it is very certain that in the early days of American history, very little attention was paid to the duty of rest, and to the need for recreation. The Declaration of Independence itself has a satirical suggestion, whether intended or not, in its guaranty to all men of the *pursuit* of happiness; for how often do all plans of recreation, all parties of pleasure, prove but a hopeless pursuit, instead of a realization. All pleasure is too often in anticipation or in retrospection, and it is very difficult to enjoy the actual *present*, to

know and feel that we are having a good time *now*. Our people have as yet not learned how to enjoy themselves; they seem to regard a holiday as a grave and solemn affair, and to devote themselves to enjoyment with a stern seriousness worthy of the highest praise, as Mr. Lowell has demonstrated in these lines:

> "Pleasure doos make us Yankees kind o' winch,
> Ez though 'twuz suthin paid for by the inch;
> But yit we du contrive to worry thru,
> Ef dooty tells thet the thing's to do,
> An' kerry a hollerday, ef we set out,
> Ez stiddily ez though 'twuz a redoubt."

During the last twenty-five years, holidays seem to have grown greatly in public favor, at least in number, and anniversaries seem now to occur whenever an excuse for them can be made. The birthdays of heroes and other noted men, the dates of the chief battles of all our wars, can find no better commemoration than in giving to the tired mechanic, or exhausted man of business or letters, a chance to rest, by diverting into some new channel the current of his daily routine. The festival of Christmas, which was discouraged by the Puritans as savoring of idolatry, is fast regaining its hold on the affections of the people; much of which reform may be attributed to the writings of Dickens, who brought so forcibly to mind the good cheer of that generous festival, and the kindly greeting which it inspires. Thanksgiving day, designed in opposition to it, has been eclipsed, or rather has been absorbed into its all-embracing and hospitable heart, in most of the States; but still the old New England Thanksgiving, with its home-comings and heart-warmings, bringing back to the old roof-tree once a year the wandering children and their children,— has been and still is, one of the best, as well as the earliest and holiest of the recreations of the people. The sad event of the war has also brought its solemn festival, in memory of the departed heroes who gave all for their country, and were faithful until death; and Decoration Day should grow, year by year, more and more sacred and important. Let us not forget, in the full enjoyment of the blessings they have won us, to give one day to their memory, which seems far too apt to be forgotten in the rush of the present. Let this day never become like our Fast Day, a day for fast living, and fast driving,— a day when the public places of amusement are thronged, and the churches are abandoned; when

drunkenness, revel and riot too often turn the national fast into an occasion of national reproach..

Every year with its progress of thought, culture and refinement, new plans and opportunities are invented and made possible. Fifty years ago vacations were very rare among business and professional men, while now every clerk and apprentice is entitled by his yearly contract to a fortnight or more of rest. The facilities of cheap travel have opened to the poorest of them the grandeur of mountains and the sublimity of sea, and many a distant hamlet in the heart of the hills, or by the remote shore, becomes every summer a pleasure resort, or wakes up to find itself a watering-place. The early-closing movement has been of immense importance as a means of relief to the tired shop-women, and Dr. Deems, of New York, has recently spoken a good word for the army of clerks in his native city, by requesting the leading ladies to make it unfashionable to shop after 11 A. M. on Saturdays, and 5 P. M. on other days, so that the hard-working men and women should not lose the benefit of fresh air and out-of-door exercise, during any of the few hours which public sentiment has secured for them. As the present points decidedly to the increase of holidays, it is our duty to give a glance at the various recreations to which they are devoted. Most of them are so well known that a brief mention will serve to recall them to the attention of any one seeking to pass an idle hour in the pursuit of happiness. After this, some recreations will be described, which are either original, or little known to the general public.

Athletic sports, of course, are first in importance; for to them is mainly due the great recent improvement in the physical health and strength of the people. A few years ago the word "student" was almost synonymous with "dyspeptic," and when one was announced, people expected to see a long-limbed and narrow-chested individual, with a hacking cough, thin cheeks and a drooping figure. Now the graduate of the best colleges has the firm step and bearing of an Apollo, and the strength of a young Samson, too often, alas! depending for sustenance on Samson's favorite weapon. (The culture of the body is, however, in danger of affecting too much that of the mind, for, to many boating men, the importance of winning the race or the ball match far outweighs that of securing a high scholastic rank.) Great pains have been taken to learn the effect of these exercises upon scholars, for which end

letters of inquiry have been sent to all the chief colleges of the United States. The absence of some of the presidents has prevented replies from all, but enough have been received to prove that these athletic sports, though highly conducive to the mental and bodily health of the students, are apt to claim too much of their attention, while the public contests between rival colleges are condemned as injurious in every way. These great races are too often the occasion of betting, and sometimes worse evils. and they must be degrading to the participants. Gentlemen must dislike being the sport of the public, although they are cheered and inspired by their friends, and fair ladies witness their feats of arms and muscles; but even the sweet smiles with which the winners are received can hardly outweigh the pain and mortification of the defeated ones, who have spent months of heavy toil and weary training, one-half of which self-denying exertion might have placed them in a high scholastic rank, only to see the rival boat creep slowly by in spite of their most intense and exhausting efforts.

Base-ball seems to have become the national game of America, as cricket is that of England; but it seems also to have gained an undue importance, since many of the newspapers (the mirrors of public demand) have found it worthy of much space in their columns. We have grave doubts if it is worth while for the country to sustain so many able-bodied men, simply as players of any game, or that so much money and time should be devoted to its interests; but as a merry and innocent means of developing the muscle and employing the leisure of persons of sedentary pursuits it cannot be too highly recommended. The same remark also applies to the Scotch games of "throwing the hammer," and "putting the stone," and to the leaping and vaulting games which the Turners have introduced and made popular, especially the "tug of war," which requires no skill or practice. Foot-ball matches, wheel-barrow, sack, three-legged, and potato races are popular amusements which our English ancestors have bequeathed to us, and foot-ball was probably the first public game ever played in Massachusetts.

These harmless and amusing contests of strength and skill seem far superior in their effects to those carried on for gain, which are sometimes employed by bad men for the worst purposes. This objection may be made to horse-races in which the noble animal is

often urged by ignoble men to the utmost limit of its strength and endurance in order to gratify their gambling greed. There is no doubt, however, that this pursuit may have added to the excellence of the stock of horses, and called the attention of man to the best method of caring for his best friend, and may thus be productive of more good than evil. But races have certainly had a bad effect upon the old-fashioned cattle-shows, by monopolizing the interest and turning the attention from the fat cattle and the prize vegetables, which ought to be sufficient of themselves to draw together the farmers, and keep them interested in their own natural line of thought. The hooting crowd now gathers around the race-track while aristocratic Jerseys and philosophic pigs sulk neglected in their abandoned pens. If modern agricultural societies cannot pay their expenses without racing and betting, they had better strive to elevate the public to the level of their gigantic cabbage-heads.

Walking, one of the best forms of exercise, also loses its charm when reduced to the level of show and betting, and nothing can be more melancholy than one of these matches, where, one by one, "the weary toilers on their tireless round" grow exhausted and fall by the way, or struggle on, heavy with sleep and fatigue, dragging their exhausted forms on blistered feet to hopeless defeat or a poorer victory, often at the expense of a broken constitution or a nervous system ruined for life. If this spectacle is degrading when performed by men, how much worse is it to see women exhausting their powers of weakness in this way. The tender reverence and watchful devotion which we have been wont to lavish on gentle woman, finds here indeed a noble climax. She has watched our tottering steps in infancy and led us on our oft-recurring round. Then let us watch *her* tottering steps as, faint with fatigue, she staggers round the roped inclosure; cradled in their laps as most of us have been, let us proudly count the laps they make, and cheer and applaud with all our foolish might.

China, the oldest and wisest nation on earth, makes her women plow the fields yoked with an ass. Many women with us may be joined in like companionship, but let us no longer bid them toil in *such* a way, or make our profit thus from women's progress. The ancient Greeks, whose culture has not been equalled by any of our boasted modern civilizations, never permitted women to take part in public performances; and Japan and China still prohibit it with

rigor. Cannot Americans take warning from these ancient people and at least keep up the stage to a higher ideal of womanhood?

Many noble women have been and still are the brightest as well as the purest ornaments of the drama. Many of the brightest stars and humblest coryphées shine with holiest light in sacred homes, but the home is a far better place for women than the stage. It may be questioned why, if men and women unite in dramatic, trapeze, and walking exhibitions, so many consider it improper for them to study Latin and Greek in the same colleges. Good plays are the finest educators of the people, and let us make them better year by year; simple domestic dramas can teach many lessons of homely duty. Good historical scenes fix important events in the mind so strongly that it is hard to forget them. Even the now wearisome "Pinafore" has been said by a wise author to have done an immense work in turning the popular taste from pieces conspicuous for the absence of everything good (especially of clothing), toward a pure, simple, innocent and merry bit of useful satire. Let the playwrights of the future remember that their influence for good is often greater than that of the preachers, for many hear more plays than sermons; and let the public learn to encourage their efforts, now turned in the right direction.

Startling effects are allowed too much place in all public performances, and the great caterers for public patronage have at last discovered a new sensation; they announce that a woman will be fired from a cannon every afternoon and evening, and will catch with her hands a bar suspended many feet above the heads of the admiring audience. A woman fired from a cannon! pleasing thought! When the rebels of India were blown from the cannon's mouth humanity shuddered at the recital, and why should 5,000 people contribute half a dollar each to enjoy such a sensation? If the trapeze from which we see such daring feats with wonder and applause, were hung only three feet from the ground, who would care to witness the performance? Is the pleasure, therefore, in the danger which the performer risks? If so, is it more humane than the gladiatorial contests of ancient Rome, of which we read with horror?

Dancing is highly enjoyed by all nations, and the merry reels and stately quadrilles are the perfection of recreation for home and hall, in proper limits and at seasonable hours; but the round dances at the great city balls and parties deserve the satire and

censure they constantly receive from wiser and keener pens, which have so well covered the ground that we turn from them with pleasure to hint at some of the new and delightful out-of-door games. Croquet, which was imported from England by Mr. Forbes, at once took root in America; and for six years every lawn was ornamented with its wickets and stakes of rainbow hues. It soon became the chief attraction of fashionable lawn fetes, and offered amusement alike to the spoiled children of luxury and those of humblest means and origin; for the price of its equipments ranges from $1 to $20. If, as some detractors have intimated, it has given opportunity for flirtation, it has more than made amends by teaching the fair sex that a long afternoon can be pleasantly and profitably spent out of doors. Lawn-tennis has now in some measure eclipsed croquet, but it can never be as popular among the masses, owing to the difficulty of acquiring the skill, as well as the more expensive apparatus required; and it has in its turn given place in many parts of the country to the graceful practice of archery. The revival of this game, so dear to Robin Hood and his merry men, is of inestimable benefit for the development of grace of figure and accuracy of aim which is sure to follow its constant practice.

Picnics are very pleasant when well carried out, and in some towns certain knowing ones have reduced them to a science, and by a choice selection of guests and refreshments have made them enjoyable in the highest degree. A thousand places on the quiet rivers, by the rough rocks, along the shore, from the Hudson to Mt. Desert, are known as favorite picnic grounds. Every railroad has its lake or grove consecrated to the rustic Pan, — many hundred people are daily brought by the Fitchburg railroad, for instance, to Walden pond. In these gatherings all creeds and isms are represented, from total abstinence to spiritualism, but perhaps the most interesting are the free excursions of the poor children of Boston. They were first originated about ten years ago by the North End Mission, which used to carry sixty people on a steamer to Nahant for a day. Year by year their system improved and the enterprise grew until in 1879 and '80 over 20,000 Boston children enjoyed the free air and pure water of Walden, and spent a day in the woods. Three or four of the managers have served every year, and still continue their devoted and self-denying labors in the cause of humanity. Under their efficient

management everything works so smoothly that one is reminded of a military encampment, and so safely that no child has received any serious injury for years. The tickets are distributed by the police officers, who take great interest in the object; a sergeant and ten men accompany each excursion, and two others assist them in loading the children at the depot. In order to give every child a chance to enjoy the excursions, the city is divided into nine districts, and 1,400 tickets are given out in each of these. Each car is under the charge of a lady and gentleman from the force of assistants, which numbers sixty, all being volunteers. On arrival at the grove the children are marched out in couples, and treated to two buns and a glass of lemonade, after which they are let loose to amuse themselves at the swings, the boats and the baths, for which tickets are furnished them while on the train. At dinner they are again marched in pairs into the dining pavilion, where the assistants supply them in perfect order with a sandwich containing a fifth of a pound of chopped meat; then comes a pickle, a glass of lemonade and a large piece of raisin cake. They are then again let loose to play at foot-ball, to gather berries, sweet fern and flowers; and to dance in the hall to the music of the band. Many are led into the woods by the assistants and entertained with songs and stories, which they enjoy very much. At five o'clock they are brought into line for the third time by the promise of a pint of peanuts, and then counted back into the cars by the assistants. The expense for the day's pleasure for each child is 33½ cents, — 14 for transportation, 16 for rations and the rest for the music and incidental expenses. The money is raised without effort; a simple announcement in the papers brings in private contributions which increase annually in amount and promptness.

Space forbids more than a mention of the common recreations of the people of America, who are yearly acquiring a taste for simpler pastimes. The gardens of the old world, so often mentioned by tourists, are becoming popular here among our German people, and in Cincinnati and other western cities great pavilions have been erected, where Hans can enjoy his beer and smoke his pipe to the strains of exquisite music, for a trifling sum. On the heights of the first named city, several thousand persons can sit under one roof and take comfort after their own manner, as they look down on the smoking chimneys of their great workshops.

The little village of Concord, first in so many eccentricities, has

always been a headquarters of recreation, and in some cities meetings for the playing of games of thought are known as Concord parties. These are imitations of the famous game club, which met every Saturday for years in one room, to originate and play games of thought, and which contained some members now not unknown to fame. They had many devices for making poets, by writing impromptu verses of every sort and on every subject. Most of their games may be now found in the columns of the best juvenile magazines, but it may be well to describe the manner of playing Literati, the best game for young and old ever known. One person is sent out of the room while the others select the name of an author, giving a letter of the name in succession to each player. On his return the leader asks questions of the one who took the first letter until he finds the name of some author beginning with that letter which the player had chosen. The leader then passes to the next, and so goes on until the right name is found. All answers must be confined to "Yes," "No," or "I don't know," and as none of the players know which author each has chosen, although they know the letter, the interest of all is fully maintained.

One gentleman of Concord has invented a very successful kind of popular amusement, which has at the same time, earned many thousand dollars for charitable objects. One of the earliest public performances was given in the old town hall in Deerfield for five successive nights, from which it was invited by an interested spectator to Springfield and vicinity, and then reached New York, whence it has extended to nearly every city in the Union, except those south of the Missouri river. The idea was to present in picture, pantomime and operetta, familiar scenes with artistic effects, and yet so simply that they could be prepared in three days by any company of young people with little expense. Much study has been devoted to this object, but some of the best ideas are almost the result of accident, which careful observation has taken notice of and perfected. One of the most remarkable is the representation of groups of classic statuary, which by graceful grouping and judicious lighting are made very realistic A large frame is fixed on a dark background in which careful copies of celebrated pictures are represented, so arranged as to imitate them very closely. It is gratifying to know from a long experience that the best things grow year by year more in the estimation of

the public, and even people apparently not very highly cultured seem to appreciate best the most artistic performances. From very small beginnings these entertainments have sometimes earned as much as a thousand dollars profit in a single engagement; one reason for which may be that people like to witness the performances of their friends. The scenes also require so little memorizing that they can be prepared with very little study and are seldom apt to go wrong. The taste of the public for private theatricals has been destroyed by the number of poorly acted pieces, poorly committed to memory, where also amateurs show their weakness by attempting to rival stage plays, which of course they cannot do in precision and stage effect. These scenes of which I speak, humbly attempt so little, that they often please from their very simplicity; especially when they enact some household story or ballad familiar from long association. One little operetta (on the nursery theme of Bobby Shaftoe), by its tender pathos and the sweetness of its airs, has met with success in a hundred cities, and has been seven times seen at the Philadelphia Academy of Music, one of the largest theatres in America. Many lovely ladies and brilliant men have lent their charm to these unique entertainments, which have the double merit of pleasing the spectator as well as the actor.

The great noisy public holidays of old prove the truth of the lines just quoted from Lowell, showing the heroic manner in which Americans endure the pursuit of happiness. The natives of the smaller towns flock to the cities and promenade the hot and dusty streets, tired, hungry, and too often bored. Their aching heads, distracted with the noise of crackers and the smell of gunpowder, are often too much enfeebled to be roused to patriotic fire, even by the eloquent and original ideas of the orator of the day; and when, at midnight, they seek a well-earned repose, they feel willing to rest, for a year at least, from the *pursuit of happiness.* In contrast, let us see how the ideal village of Concord celebrates her glorious Fourth. One of her wisest and wittiest men once said, "I prefer days that come in of themselves to those that are ushered in;" and so her Independence day rose calm and quiet, without the help of noisy bells or blatant cannon. In the cool of the summer morning, with one consent, all gathered in the town hall, where a patriotic anthem, written by a native poet, was sung by two hundred native singers. Emerson, the hero of their hearts,

then arose, and every one of the crowded audience stood up to welcome the man, to honor whom is their highest pride. An enthusiastic admirer called out, "Three cheers for the man whose words are heard round the world;" and they were given with a will; after which he read the Declaration of Independence with a fervor, dignity and simplicity which made it sound like a poem. After the meeting, the young people sailed in gayly decorated boats to the village race-course, where they were entertained in boat and tub races by their friends. In the afternoon they met again on the fair-ground to witness other athletic sports; or to see small boys climb a greased pole for a bag of dollars, to the improvement of their muscles, if not of their pantaloons. As the summer twilight gathered into gloom every inhabitant of the town, with a thousand visitors from the neighboring villages, went to the river bank to enjoy their yearly pageant of the "Carnival of Boats,"—a novel spectacle, originally produced on Concord river, which has been copied in many other places since it was fully described in the Wide Awake Magazine for November, 1878, from which the following extract (written by the author of this paper), is given, in order to establish the fact:—

"The boats came down the open Sudbury, and from beneath the leafy arches of the Assabet, where the great hemlocks reach over to see their reflections in the black water. The new moon was fortunately obscured by a heavy cloud, and dense blackness hung over the river until the procession drew near, when sky and water were lighted up with great brilliancy. Many of the large boats carried lanterns of red and green glass, hung over the bow close to the water. All had high frames, from which Chinese lanterns of many hues dangled and danced with the motion of the oars. One graceful Whitehall boat was ornamented in true Japanese style, as a long bamboo rod projected from stem to stern, hung with lanterns of graduated sizes. Great Venetian gondolas and quaint barges, made of several small boats, bore great tiers and banks of lamps, which would dip gracefully at the bridges. Decorations of every kind were swung from high poles or revolved on gigantic hooks in dazzling confusion among burning fires of red, green and golden hues. Lovely ladies in picturesque costumes reclined on high divans ornamented by bright banners and graceful canopies, upon which concealed reflectors cast at intervals gleams of flashing light. Many of the bridges and houses along the banks were also gorgeously illuminated, and showers of rockets and other fire-works filled the air from near and distant points, and the reflections above and below seem to blend together in ten thousand rainbows."

This model Fourth of July is thus fully described to show how simply and inexpensively a fine and tasteful show can be given in any country town. Little space need be here given to hunting, yachting and polo; which, by their outlay of time and expense, are confined to the opulent. It has been said to be a wise provision of nature that great rivers should always flow by large towns; and certainly those are fortunate who have access to a pleasant river which offers in summer canoe and boat journeys, and, in winter, skating, curling and other games on ice and snow. But lest the subject, like a river, should flow on forever, we here abandon with regret the recreations of the people.

ERRATA IN MR. OLMSTED'S PAPER FOLLOWING.

Page 149, 2d line, for "there," read *then*. Page 149, 10th line, for "places," read *landing-places*. Page 150, 9th line, for "makeshifts," read *makeshift*. Page 150, 29th line, for "adulterated," read *unadulterated*. Page 154, 20th line, after the word "laws," insert *of our parks, in the boards*. Page 156, 9th line, for "perfectly," read *imperfectly*. Page 159, 18th line, for "public," read *public's*. Page 161, 7th line from bottom, for "rooms," read *room*. Page 164, 9th line, after "argue," insert *this question*.

IV. THE JUSTIFYING VALUE OF A PUBLIC PARK.

BY F. L. OLMSTED, ESQ., OF NEW YORK.

(Read September 10, 1880.)

After the Paper now to be read had been mainly prepared, I was advised of a wish that it might lead on to a discussion of the subject of parks at low cost for small towns. The topic which I had adopted being a more comprehensive one, I will introduce it by a few observations, showing how the question of cost for parks of any class, for towns, large or small, cannot well be discussed independently of it.

The cost of a park depends on two considerations back of economy of management, back, also, of a plan as commonly understood; the first is the use intended to be made of it, or the general aims of the undertaking; the second, the degree in which the site to be improved is adapted to these aims. As to the first, it is liable to be overlooked that the aims of a park may be so low that the result will be of less value than no park at all. This has been proved over and over again. As to adaptation of site, it is also liable to be forgotten that a hundred acres of land in one situation may be turned, at a given cost, into a more useful park than two hundred in another; and that two hundred acres of land, of one sort, may be prepared for a given use, of a given population, at less cost than one hundred of another sort.

These considerations being recognized, the special perplexity of park business will be understood to lie in the fact that, whatever determinations as to use you set out with, whatever aims control your choice of site, and your plan of improvements, whatever rules for economy you fix upon, you have no assurance in law, custom or public common sense, that they will not soon be thrown overboard. This again being understood, it will not be difficult to realize that the great danger to be guarded against in setting about a park, is one which is commonly disguised under the phrase, "practical business tact," or "practical common-sense," meaning a habit of mind, cultivated in commercial life, of judging values by the market estimate. What answers to the market estimate, in park values, is commonly a guess as to what the public will think of the results of a proposed operation at a time when these results, although the operation shall be apparently complete, are yet immature, pro-

visional and tentative; and, as in this condition, they will be regarded from the point of view, not of commercial competition, but of mental relaxation, under these circumstances, most important elements of value are liable to be wholly disregarded.

For example, in any well-designed park-work, the character of each of several parts is largely determined with a motive (over and above any that appears in the work as seen by itself) of enhancing the value of all other parts, and of gaining enhancement of value by the character to be given all other parts. Again, much the larger share of the value to be ultimately earned by the park, depends on the gradual merging together of elements of value originally detached, and which, as seen in this detached condition (as they must be for years after work has apparently ceased with reference to them), show nothing, and to most minds, suggest nothing of the value which they potentially possess.

These, I think, are two plain reasons, but as it happens to apply more directly to my main purpose, I should like to add reference to another embarrassment of the ordinary pleasure-seeker's judgment, which is not so plain. I may, indeed, be excused for doubting if, in this scientific audience, there are many who suspect the degree in which considerations of stability and endurance enter into any sound estimate of the value of park-work, or who realize in what manner these elements of value may be represented in objects which, to the mind seeking relaxation, exhibit qualities of an entirely different character; objects of little more apparent stability than the maize in the farmer's field, which next month is to be cleared of it, and ploughed over for a spring sowing of oats. So few are prepared to accept what is sound in this respect, and it has so much to do with the question, what it is worth while for a small, but promising town to undertake in a park, and of what is low cost with reference to it, that I should like to give a little evidence bearing on the point.

It is more than two hundred years since Mr. Pepys wrote of going in his new coach to the King's Park, and of the "innumerable appearance of gallants," which he there found, sauntering among the trees. Of those trees it is possible that some have not yet succumbed to the acrid atmosphere of London. It is certain that many held their own long enough, and were enough valued, to preserve the general surface of the park against all suggestions of change, and thus indirectly influence the leading lines of miles of

streets, and establish the position of later park plantings, of which we now have the result. What had there been done, determines where today shade shall be found, where prospects closed or opened, where millions of men and women are yet to direct their steps. Mr. Pepys' road is still in use, and not many years ago it was plainly to be seen where its grade was affected, its breadth contracted, and its course deflected, out of respect to a single tree (which he probably saw as a sapling), the trunk and roots of which had grown into it. Of most of the bridges, conduits, markets, and places of London, of that period, only curious fragments remain. The King's Park was never as much, or as well used as it is at present, and for the purposes of its most important use, has few substantial advantages or disadvantages not to be traced to determinations formed long, long ago; when London, in comparison with its present state, was a very small town.

In Paris, the series of groves and lawns which lie between the ruins of the Tuileries and the long since levelled gate toward the Woods of Boulogne had its beginning as far back, at least, as the sixteenth century, when, as we now reckon, Paris, also, was a small town; and no motive has been of equal weight in determining the plan of the great town growing from it, with that of sparing and providing for the extension and uninterrupted use of these grounds.

The present town park of Dijon was laid out by Le Nôtre before these waters of Saratoga had been tasted by a white man, and its plan is as different from any modern park as the personal costume of that day differs from that we are wearing. But, visiting it not long since, I found the town forester following orders which Le Nôtre had given, and the ground better realizing the pictures which must have been in *his* mind, than it could possibly have done while he lived. The roads, walks, seats, the verdant carpets, the leafy vistas, — in none of these had the original work lost value. Never before were they as well adapted to their designed use, or worth as much for it. Where is the public building of the same date, of which, as a town property, the same can be said?

Most old, large towns would supply some like evidence. There are woody resorts in Rome which have been woody resorts from the time of the Cæsars. The Mount of Olives still serves as a place of retreat from the confinement and bustle of the streets of Jerusalem, and its present groves are believed to have sprung from the roots of trees planted centuries before the summer days when the humble

friends of a certain unpractical Jew were apt to look for him among the afternoon strollers under their shade.

There is no people in the world who would take more honest and respectable pride and satisfaction in having their work done with a view to considerations of intrinsic and lasting value than our own; but it is at present impossible that the impression we casually form of our inceptive park-work shall take fairly into account its substantial merits or short-comings. Parks, of all things, should not be taken hold of as frontier expedients. Make-shifts, temporizing, catch-penny work upon them is always extravagant work. The men hitherto more directly in trust of our parks have not been specially prone to the trading view of them. They have usually been high-minded servants of the public; but they have been constrained to waste much of what their free judgment would secure, and there is but one way in which the difficulty can be got over. It is by bringing public opinion itself to take a large interest in the lasting conditions of accruing value in a park; and experience suggests that this is of even more importance, and of greater difficulty, in small towns, and in regard to parks for moderate use, than with respect to undertakings the magnitude and costliness of which is better fitted to affect the imagination in this respect.

One of the chemists engaged in the discussion of this Association on the subject of the Adulterations of Food, the other night, said that all were agreed that everything should be known in the market by its own name: that if we wanted glucose we should not have to take it with the name of sugar; of oleomargarine, not as butter. There is a difficulty in discussing questions of cost and value in parks, lying in the fact that the public is so far from a common understanding of what the adulterated substance of a park may be. If I now proceed upon my own notion in this respect, I may be met, as a dealer once told me that he had been by a young housekeeper who complained that if she left the stuff which he sold her for milk to stand a little while "a nasty yellow scum rose on it." "So it always does, madam, on good milk." "Never, sir," she rejoined, "never on what I call milk."

I have lately known the word "park" applied to the protecting belt of a reservoir, to a fish-pond, a sea beach and a jail yard; to scores of things which have the least possible of public interest in common. I have seen a low rocky shore having what I regard as a park value beyond estimate, in tints, lights and shadows, and

reflections of translucent and opaque foliage over rippling water, and full of poetic mystery, — of beauty such as no painter can touch. I have seen such a shore so changed that the water lay dead upon a wall of raw stone, capped by an inclined plane of turf, all possible architectural beauty lost through meaningless meanderings; all value, which might have been in simple breadth of turf, destroyed by pinning it down with prim pegs of living spruce and arbor vitæ. And this result I have heard praised as park-like.

Therefore, I had begun my paper (which I now reach) with some observations on this point, recalling the fact that while the few public properties which had the name of park with us, twenty-five years ago, did not differ from others known as greens, commons, or yards; yet the word had a meaning by no other so well given. Scores of times I have heard plain country people, Northern and Southern, Eastern and Western, describe something they had seen as "park-like," or "pretty as a park," or as "a perfect natural park." It might be Blue Ridge table-lands, oak openings, further west, mesquit grass prairies beyond the Trinity, or passages of the Genessee Flats or Connecticut Bottoms. What did the word mean? Nothing in the least practical. It reported nothing of the soil, of the water-power, of quarries or quartz lodes. It told of a certain influence of conditions solely of scenery, — soothing and reposeful influences. If we trace back this use of the word, it will carry us to the immigrations of the early part of the seventeenth century, before the replanting of English parks under the urgings of Evelyn, the Royal Society, and the Admiralty, when there were generally broader spaces of greensward in them, and yet more of seclusion than even at present.

I beg that this meaning of park may be kept in mind a little while.

Twenty-five years ago we had no parks, park-like or otherwise, which might not better have been called something else. Since then a class of works so called has been undertaken which, to begin with, are at least spacious, and which hold possibilities of all park-like qualities. Upon twenty of these works in progress, there has been thus far expended upwards of forty millions of dollars, — well nigh if not fully fifty millions, — and this figure does not tell the whole story of cost, as I will later show. Considering that in none of the towns making this outlay the necessity of a park was a little while ago at all felt, this manifests a remarkable progress of public

demand. It will be found the more so when it is considered that, in all Europe, but one notable public park had been laid out in the first half of this century; that this was formed on ground previously a royal hunting park, not by the government of the town, not by taxing the town, and not with an eye single to the town's advantage. But to see the full significance of the fact, it is further necessary to consider that within the same period, since 1850, as many parks have been laid out for the people of large towns in Europe as with us, and that the area which has been for the first time legally and definitely appropriated to that end is larger there than here. What has been secured for London alone is of greater extent than all the town parks of America together.* At the same time there has been a radical change in the management of many of the old parks.

Allow me to use the term *park movement*, with reference to what has thus recently occurred on both continents. With us, it dates from Mr. Downing's writings on the subject in 1849. But these could not have obtained the public attention they did, nor have proved the seed of so large a harvest, but for their timeliness, and a condition of expectancy in the soil upon which they fell.

Our first act of park legislation was in 1851. In 1853, the first Commissioners for the Central Park entered upon their duties. It was only in the latter year that some ill-considered steps were taken toward supplying Paris with its first public park. It was not till 1855 that Mr. Alphand came from Bordeaux, and gave the work its final form and impetus. A little earlier, three small park undertakings had been entered upon in England, the leading one under the direction of Paxton, afterwards Sir Joseph. I know of none in Germany, Italy or Belgium; but a few years afterward, I saw in each of these countries evidence that, about the same time, planting and gardening for the public benefit had taken new life.

Parks have plainly not come as the direct result of any of the great inventions or discoveries of the century. They are not, with us, simply an improvement on what we had before, growing out of a general advance of the arts applicable to them. It is not evident that the movement was taken up in any country from any other, however it may have been influenced or accelerated. It did not run like a fashion. It would seem rather to have been a common, spontaneous movement of that sort which we conveniently refer to

* Chiefly in recent action in respect to Epping Forest.

the Genius of Civilization. I will not take this way of disposing of the question of its origin, impulse and aim. This I will discuss later. I wish here to say only that the reflection may be made that a wide-spread popular movement is not, naturally, all at once perfectly clear-headed, coherent and perspicuous in its demands. In other words, it is hardly to be supposed that the popular demand — represented in parks — has yet taken the fully mature, self-conscious form of thoroughly-reasoned purposes and principles, and has insisted on an accurate embodiment of them in the works ordered. It is more reasonable to assume that it has not.

I wish to present this assumption in a practical form. Let me suppose that a man has become possessed, near a town, of adjoining properties comprising one or two farms, with marsh land, woodland, pastures, mill pond, quarry and brickyard. It is crossed by roads, upon which there is some pleasure driving; the pond is used for skating, the hill-sides for coasting, the pastures for kite flying, base ball and target firing; snipe are shot in the marshes, rabbits trapped in the woods. There are neglected private properties so used for recreations by the public near most of our towns. Now, suppose that the man dies, leaving an infant heir; twenty years afterwards the heir dies, and the entire property is to come by will to the town on condition that the town spends half a million dollars to make it a park. Suppose the old roads are improved and furnished with sidewalks and shade trees; the brickyard fitted for a parade ground, the marsh for a rifle range; and that the quarry, with masonry and gates added, becomes a town reservoir. Part of the ground is taken for a cemetery; a statue of the former owner is set on the highest hill; a museum and public library take the place of the homestead; an armory is provided, a hospital, poor-house, high school, conservatory, camera-obscura, prospect tower, botanic and zoological garden, archery, lawn tennis and croquet-grounds, billiard-house, skating-rink, racket court, ten-pin alley, riding-school, Turkish bath, mineral springs, restaurants, pagodas, pavilions, and a mall, terrace and concert garden. Suppose that the town has spent its half million, several times over, in these things, and that the courts can have found reason (I know not how), to decide that the condition of the will has been complied with. Suppose that a due part of all the town outlay in the premises has been set down in the town books to old accounts, so far as applicable, as to account of waterworks, street improve-

ments, schools, hospitals, and so on; and that, after all, there is found something which must be charged under the new head of "parks."

Now, suppose that a question is raised whether this expenditure has been made in good faith, with reference to the proper objects and distinctive value of a park, and has been judiciously and economically directed, and that a popular judgment (not a technical court judgment) is asked upon this question, what would be the result? Few men would have a sufficiently clear idea of the objects and the conditions of value of a park to form a judgment; those who had would differ widely in their ideas, and most of the more judicial and properly leading minds would hold such ideas as they had with enough of doubt to make them slow either to fully support or decisively condemn those responsible. This would be the case much more than it would in regard to any other large matter of town expenditure.

Let this unreadiness of popular judgment be considered for a moment in connection with certain evils of our methods of public business. This Association needs no explanation of them. It is sufficient to say that changes in the fundamental laws governing them, or in the bodies governing these boards, occur annually. A certain weakness of human nature, usually exhibited in some degree after such changes, is expressed in the proverb, "New brooms sweep clean." There is generally a disposition with each new man in office to find an *ex post facto* reason for his being there. In the absence of any restraint, such as lies with reference to other public works, in a definite and well established public understanding of what is to be accomplished, there is nothing to prevent a novice in a park board, or in the office of mayor, comptroller or member of city council, from aiming to make changes of organization, and to force a course of operations adapted to discountenance some of the aims of work previously done, and with this motive to lay waste what funds under the same trust had before been used to obtain. There have already been such cases. In one a large outlay has been made, and the money is claimed to have been honestly used, with the unquestionable intent of nullifying what at least half a million dollars had been previously spent to gain. It has happened more than once that plans have been adopted, work advanced under them, then thrown aside by new men, new plans adopted, and, after some years, these in their turn abandoned, and the

original plans resumed. The change of purpose in such cases will have been deliberate and intentional. But changes as great and as wasteful are more likely to occur through the passing of park works under the control, direct or indirect, of men who, through simple ignorance, forgetfulness, or indifference to such aims as have before-time been had in view, let a large share of the value that has been once secured slip through their fingers.*

But now, if I have suggested the special hazard, under our special political customs, of the lack of a well-understood central and distinctive purpose in the management of these large town properties, I wish to add that, back of this, but closely united with it, there is a more positive and a deeper seated difficulty. Briefly, it is the difficulty of dispossessing the mind of ideas which are associated with an object when, through lapse of time and change of circumstances, the nature of that object and its conditions of value have been radically changed. This difficulty, in individual experience, is not an uncommon one, but, with regard to this matter of parks, it is largely a transmitted experience, and I can think of no quite parallel case by which to explain it. Its full elucidation would carry me into a history of a class of property unknown with us, but which, throughout the Old World, has for many centuries been of importance.

Its value has been in two kinds; forest materials and game. It has been managed with reference to each, systematically, by classes of men specially trained to their duties, and since no other equally extensive property has had so much of what is called sentimental value, as to none has service been so much handed down from father to son, and as to none have traditional ideas been more persistent. There are many thousands of such properties, of which the character and methods of management and use have changed little since the period of the Crusades. In England they are called parks, and there the changes have been greater, as a rule, than on the continent. Still, in some essential particulars, the sentiment of conservatism with regard to them, not only with their owners for the time being, but with the people at large, is very strong.

* In the short history of one of our parks, a change in the immediate direction of the plantations has occurred not less than six times, and in each case the new appointee has shown a disposition to upset the methods of his predecessor, and twice, at least, such changes have been thus accomplished, amounting to very serious changes of general design. Upon another park, for which I am supposed to have some responsibility, the resident professional officer, with whom I had to do, was changed five times in three years.

Some few of these old forest and hunting properties, once belonging to kings, and situated near growing towns, came after a time to be used by the townspeople for their own amusement, much as neglected private lands near our towns often are now. Gradually such use of them established something like a vested right, and so, by very slow degrees, from kings' parks, they came to be regarded as at least pseudo-public parks.

I say by slow degrees. A single fact will indicate how slowly, and suggest, with reference to their management, how perfectly. That great park which we know so well for its Merry Wives' recreations; with its antlered stags in waiting for royal hunting parties; its phantom huntsman; its foresters' saw-pits, with children hiding in them; is now surrounded with towns and villages, and is an important feature of suburban London. It is nearer to the West End than Long Branch to the Battery, and is accessible by boats and three lines of railway, running cheap excursion trains. It is an object not simply of town but of national pride. In its use and value as a public park, a thousand times more than anything else, lies the proper concern of government with it. Yet, as late as four years ago, the only allusion to it as a public park, in the stated report to Parliament of the commissioner in charge, was contained in two lines, in which the extent to which it is used for public recreation is mentioned as a reason why the commissioner cannot make a better return from the sale of timber and other forest products, the letting of pasturage, and so on. It will be remembered that yet every year a somewhat ridiculous public ceremony is performed in this park, called a hunt with the royal hounds, in which a venerable stag is turned out of a wagon and set after with great outcry, but with special precautions against his being seriously hurt when overtaken. These two facts indicate the degree in which the ancient theory of the use, value and proper management of this property has had a ruling influence with those in charge of it down to this very day.

Hyde Park, which may be considered as more particularly the progenitor of modern public parks, is now in the midst of London (the town having grown around it since the time of Mr. Pepys). But Hyde Park was classed with Windsor and under the same management when I first visited it, only thirty years ago. I believe that it was transferred to a special commission, appointed, not by the local authorities, but by Parliament, at the time of the

first International Exhibition, but, though the deer and kennels have been removed, some of the rangers or gamekeepers are still living upon it, and there is an attractive private residence in the middle of it, with stables and gardens, occupied by a gentleman who represents the office corresponding for this park to that held for Woodstock Chase by the loyal Lee in the seventeenth century, as described by Scott.

One of the two great parks of Paris was an imperial forest and hunting ground as late as 1850, the other still later. The public park of Florence was the grand duke's private property until the last revolution. The greater part of it is a dense wood, managed on the principles of economic forestry. The park of Munich, which people say was laid out by Rumford as a sanitary measure, is of the same character; it is still stocked with deer for the king's hunting, and its resident superintendent is a gamekeeper, as his father was before him. I saw him inspecting the repair of roads after a storm; he carried a gun in his hand, and was followed by hounds.

The names of the parks of Berlin and Stockholm indicate what they have been; each, in a different language, meaning a place for keeping deer.

I could show from facts of personal observation how, much more than it is easy to realize, the present condition of even the most changed of these old parks has thus been determined by motives as foreign to the forms of recreation in which their public value now lies, as the motives of a cotton mill are from those of a cathedral, and how the customs of management and of use now prevailing, have been, *per force*, fitted to these traditional motives. Also, how some of these customs, foreign in every sense to us, have lately emigrated and are crowding out that which is natural to us, and belongs to our common sense.

I hope I have said enough to make it plain that during the long process through which the present ideas of the value of a park were gaining upon those which they have at last mainly superseded, the public demands, expectations and standards of value in respect to these grounds have been mixed, inconsistent and contradictory. This being realized, it will next be evident that the inherited and transmitted idea of a public park has been one of a body of land held for no clearly defined purposes, which is equivalent to saying, held for purposes always remaining to be determined. It also fol-

lows that the inherited and transmitted idea of the responsibilities of those in immediate direction of these parks has been a corresponding one, and that they have been little subject to popular criticism based on fixed, just and sound principles applicable to public recreation.

Lastly, it follows that the idea fitted to the word park in our minds, when, twenty-two years ago, we began, here in America, dealing with the subject,—having come to us much less from anything that we had seen, or from any dictionary, than through that marvellous process of race nutrition which gives every man his native tongue,—was an idea largely made up of irreconcilable impressions.

The fact remains to be more distinctly emphasized, that it is only through the use of this word of vague and inconstant significance that any limit has been placed upon the purposes to which public money, appropriated to parks, shall be applied.

The simplest statement of purpose that courts would unhesitatingly accept or public opinion stand agreed upon, and, even then, not as a complete statement, but only as true so far as it goes, would be this: "A public park is a ground appropriated to public recreation."

Observe, then, that most of the public properties known as parks contain provisions for other purposes than recreation, and even opposed to recreation. Again, waiving the question how far these are legitimate parts of them, observe that recreation is so broad a term, and means so much more to some than to others, that to devote public funds to recreation is little less than to give a free rein to the personal tastes, whims and speculations of those entrusted with the administration of them.

We must fall back on usage. What, then, does usage prescribe?

In one European public park we find a race-course, with its grand stand, stables, pool-room and betting ring; in another, popular diversions of the class which we elsewhere look to Barnum to provide. In one there is a theatre with ballet dancing; in another, soldiers firing field pieces at a target, with a detail of cavalry to keep the public at a distance.

Attempts to introduce like provisions in several of our American parks have been resisted under the personal conviction that they would tend to subvert its more important purpose. In some of our parks, nevertheless, arrangements have been made for various

games; concerts and shows have been admitted; there have been military parades; and it is impossible to find any line of *principle* between many favored and neglected propositions.

Usage, therefore, in this respect, decides nothing.

Asking what usage prescribes as to the simpler forms of recreation, we shall find that one ground, classed among public parks, consists of dense woods, with a few nearly straight roads through it, while others have open, pastoral landscapes, with circuitous drives, rides and walks; that the interest of one centres in an extremely artificial display of exotics and bedding plants, while another bids fair to be equally distinguished for its fountains, monuments, statues and other means of recreation in stone, concrete and bronze. Yet another is so natural and unsophisticated you can hardly use it in dry weather without choking with dust, or in wet weather without wading in mud.

Again, usage determines nothing.

What this laxity leaves us liable to, and how much may be safely presumed upon the public confusion of mind, is shown by the fact that in one case, when local oppcsition was found to be inconveniently strong against the location of a small-pox hospital anywhere else, the difficulty was overcome by placing it in the midst of a park.

I have known orders given in a park, and carried out at considerable expense, the motive and origin of which could be explained only by reference to an idiosyncracy of that class which, to some men, causes eggs or strawberries to be loathsome, and makes cats or curs objects of an irresistible, undefined terror.

The choice of site of most of our parks, and the definition of the boundaries of it, have been made without the slightest regard for any object of a park, except, possibly, that of securing an air space. Even as with a view to air spaces the locality, in the majority of cases, is nearly the last that should have been selected, and the area taken much broader and greatly more costly than necessary to the purpose.

No one can for a moment suppose that the state of public opinion exemplified in the facts which have been stated, is one favorable to securing what the public most wants in a park, or, if at all, to its obtaining it at reasonable cost.

But the true state of the case will not be fully realized without taking into account certain elements of possible cost of a park which have hitherto had little general consideration.

A town is built to meet the demands of commerce — of commerce in a large sense. As these demands successively arise and their pressure is felt, street is added to street, building to building; railroads, canals and docks are introduced; sewers, water-pipes and gas lights are pushed out here and there, and thus, not only the extent but the direction of the town's growth is in a large degree controlled by natural laws, the acts of government following much more than leading, directing or resisting the movements of supply and demand.

It will be evident that this element of security against injudicious municipal enterprise applies not at all to our great park trusts. A town does not grow into parks, as it does, by the law of its existence, into buildings and streets; on the contrary, when a great body of land is used as a park, in the borders of a town, it will be a serious disturbance of what would otherwise be the natural development of the town.

See, for illustration, how Hyde Park has elbowed out the streets of London. See how the street system of Paris has been kept from its natural development because Catherine de Medici turned a tile-yard into a pleasaunce; or, to take the nearest example, see how the park of New York brings suddenly to a full stop more than ninety streets, which would otherwise constitute forty thoroughfares of commerce, at the very centre of an island which is likely to be the most important point of commercial transfer in the world.

That when land is to be bought, or even accepted as a free gift by a town for a park, its adaptation to the purpose of a park should first of all be considered, and that then none and no more should be taken than is necessary, or at least desirable, for that purpose, will be conceded.

A little consideration, then, will satisfy the Association that a large proportion of the objects which are more or less provided for in our parks might, at less cost and greater value, be provided for in a series of smaller grounds placed as nearly as practicable at regular distances through or around the town.

The argument is briefly this: That such scattered, smaller grounds would be more accessible; would less embarrass other interests of the town; would less interfere with its natural development; would involve less contention with local jealousies and consequent wasteful compromises; and would, on the whole, be less costly.

There is, however, an important element of value in most parks which could not be well provided for in such small local grounds. What is desirable in this respect is a long, unbroken, spacious drive, ride and walk, offering suitable conditions to a large number of people to obtain together moderate exercise in the open air, with such other conditions favorable to gaiety as can be conveniently associated with them.

To a great many persons, perhaps the most of those who have much active influence upon the management of parks, the value of a park lies mainly, and to some it would seem exclusively, in the advantages it offers in this respect. Yet, as affecting these advantages, it will be obvious that the larger part of every park is waste land. Besides which, regarding this object from a point of view commonly taken by many intelligent people, and taking it up as a professional problem, it is little less than absurd to say that it might not be much better met, and at less cost, than it ever has been on any park, new or old. Indeed, from the accounts we have, it would seem that in some southern towns it has been so taken up, not in as clear-headed and bold a way as it might have been, but sufficiently to demonstrate that a result is easily attainable better adapted to the end in view than any we have hoped to attain in our parks.

An arrangement of the general type of the Spanish alamedas, developed with anything like the enterprise and outlay which we have been willing to put on our parks, would, for the purpose in question, be more commodious; its use simpler and more easily and efficiently regulated; there would be less liability to accidents upon it; it might be more effectively decorated, and thus in every way be made to present a gayer, more brilliant and festive scene.

Such an affair, without making half as great a break in our towns as, sooner or later, their parks will, would open a splendid field for the great and admirable enterprise, erudition and skill, which are now given to decorative gardening—a perfectly suitable field for it, which a park seldom offers. It would give fine showrooms for all the novelties of the market, and would allow a fine scenic arrangement to be made of the superb tropical and subtropical beauties which are just now in fashion, and the best use possible of floral ribbons, embroidery and gew-gaudry which, after doing their worst to degrade and destroy art in gardening, are now, if not wholly going out of fashion, I am glad to say, tending to lapse more nearly to their proper places.

With these advantages, it would cost not nearly as much for land, for construction, for maintenance, or in readjustment of the natural plan of a town.

It is not for this that the genius of civilization has called for these great spaces. In what, then, shall we find the originating impulse, aim and justification of the park-movement?

May we not, perhaps, wisely seek an answer to this question by considering whether there are any other movements of our times with which the park-movement, as we know it, may seem to be related?

If I was right in saying that twenty-five years ago, when we began discussing parks as something to be made for us, the leading idea popularly attached to the word, throughout this country, was one of certain influences of scenery — soothing and reposeful influences — then it is reasonable to suppose that there was something in our motive very closely allied to a social force which, in this same quarter of a century, has had a very remarkable development — a force which has directed the investment of hundreds of millions of private capital in travelling machinery, built up many towns, replenished many treasuries, enriched kingdoms, been a practical matter for statesmanship, and swayed every commercial exchange in the world. A force so marked in various directions that I need to give a name to it only to guard against a too common confusion of ideas.

It is open to question whether we care much more than our ancestors did for all manner of beauty of nature; whether we appreciate leaf and flower form and flower color, for instance, more than they. We have a greater variety of flowers; our curiosity about them is more stimulated, our science advanced, we take more interest in them from the point of view of the collector and classifier. They are matters of fashion; and fashion changes yearly. We use them more *profusely*, but there is room for doubt if they act more powerfully upon our sensibilities, and if we make on the whole a more *fitting* use of them.

There can be no such doubt as to our more general susceptibility to the beauty of clouds, snowy peaks, mountain gorges, forests, meadows and brooks, as we know them in the broad combining way of scenery. Even if this doubt should not have weight, it would be much easier to see something akin to regard for scenery in the demand which has led our cities to obtain pos-

session of the great bodies of land in our parks, than that of interest in the beauty of nature such as may be gratified in a conservatory, a cottage garden, a flower-pot or a posey, saying nothing of natural beauty such as exists even in jewels, furs, fruits, or plumage, or trees individually regarded and as they grow on the lawn of a cottage.

But now, if we call this force interest in the beauty of natural scenery (to distinguish it from interest in the beauty of nature) we shall find another form of its operation from that evinced by tourists and sojourning seekers of scenery in the development of talent in landscape-painting and in the demand for education in landscape-judgment, such as is met by works like those of Ruskin, Taine and Hamerton, of which more are now read by Americans in every year than were all works of similar aims by all the world in a hundred years before we began our first park.

Why this great development of interest in natural landscape and all that pertains to it; to the art of it and the literature of it?

Considering that it has occurred simultaneously with a great enlargement of towns and development of urban habits, is it not reasonable to regard it as a self-preserving instinct of civilization?

Mr. Ruskin may be thought not only unpractical but fanatical, and many of his sayings may be regarded as wild, but that he is inspired by a great and good motive, few will doubt. What is the ruling conviction of his zeal? In his own bitter words, it is that "This is an age in which we grow more and more artificial day by day, and see less and less worthiness in those pleasures which bring with them no marked excitement; in knowledge which affords no opportunity of display."

This is true, though a man ten times more unpractical and fanatical than Mr. Ruskin can be thought to be, had said it; and it is also true, that to all the economical advantages we have gained through modern discoveries and inventions, the great enlargement of the field of commerce, the growth of towns and the spread of town ways of living, there are some grave drawbacks. We may yet understand them so imperfectly, that we but little more than veil our ignorance when we talk of what is lost and suffered under the name of vital exhaustion, nervous irritation and constitutional depression; when we speak of tendencies, through excessive materialism, to loss of faith and lowness of spirit, by which life is made, to some, questionably worth the living. But that

there are drawbacks, which we thus vaguely indicate, especially to the prosperity of large towns, and that they deduct much from the wealth-producing and tax-bearing capacity of their people, as well as from the wealth-enjoying capacity, there can be no doubt.

The question only remains whether the contemplation of beauty in natural scenery is practically of much value in counteracting and alleviating these evils, and whether it is possible, at reasonable cost, to make such beauty available to the daily use of great numbers of town's people? I do not propose to argue. I submit it to the Association as one needing discussion; for if the object of parks is not that thus suggested, I know of none which justifies their cost. On the other hand, if the object of parks is thus indicated, I know of no justification for a great deal that is done with them, and a great deal more that many men are bent on doing. That other objects than the cultivation of beauty of natural scenery may be associated with it economically, in a park, I am not disposed to question; but that all such objects should be held strictly subordinate to that, in order to justify the purchase and holding of these large properties, I am inclined to think, cannot be successfully disputed.

I will but add that the problem of a park, as it would appear, under the view which I have aimed to suggest, clear of political necessities and trading demands, is mainly the reconciliation of adequate beauty of nature in scenery, with adequate means in artificial constructions of protecting the conditions of such beauty, and holding it available to the use, in a convenient and orderly way, of those needing it; and in the use of such means for both purposes, as will make the park steadily gainful of that value in beauty which comes only with age.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION, LIST OF OFFICERS, COMMITTEES AND MEMBERS.

1880–81.

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to December 10, 1880; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.

The Council of the Association meets quarterly, in New York, Boston, Saratoga, and elsewhere, according to convenience. The next meeting of the Council, March 8, 1881, will take place in Boston, at 12 o'clock, unless called elsewhere and at another date by the President. The General Meeting of the Association for the Election of Officers, the Reading of Papers, and for Debates, will commence in Putnam Hall, Saratoga, Monday, September 5, 1881, and will continue four days. The members and guests of the Association will be received at the United States Hotel, Saratoga, at reduced rates, during the Meeting.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, and Professor WAYLAND, of Yale College, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than $1,300 *per annum*. The cost of publishing three numbers of the Journal (about 600 pages 8 vo.) is $1,200; the salary of Secretary, expense of annual meetings and incidentals, $1,200 more, in round numbers, or a total of $2,400. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto) supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings. Two numbers a year can be promised, upon the basis of 500 subscribers, and matter to fill two more is always ready if funds can be supplied to publish it.

It would seem that the desired increase of membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee being now the Council.]

The Constitution, as amended January 14, 1880, is as follows.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice, Presidents as may be chosen, a Treasurer, a Secretary, and a Council-charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective Departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairmen of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

OFFICERS OF THE ASSOCIATION, 1880-1881.

President, FRANCIS WAYLAND, New Haven, Ct.

Vice-Presidents.

MARTIN B. ANDERSON, Rochester, N. Y.
THOMAS C. AMORY, Boston.
RUFUS KING, Cincinnati.
MRS. JOHN E. LODGE, Boston.
W. L. TRENHOLM, Charleston, S. C.
MISS MARIA MITCHELL, Poughkeepsie, N. Y.
W. H. RUFFNER, Richmond, Va.
THEODORE D. WOOLSEY, New Haven.
MRS. C. H. DALL, Georgetown, D. C.
HENRY B. BAKER, Lansing, Mich.
T. M. POST, St. Louis.
ISAAC SHERMAN, New York.
NATHAN ALLEN, Lowell.
HENRY VILLARD, New York.
J. W. HOYT, Cheyenne, Wyoming.

General Secretary, F. B. SANBORN, Concord, Mass.

Treasurer, F. J. KINGSBURY, Waterbury, Ct.

Directors.

DORMAN B. EATON, New York.
HORACE WHITE, "
ANSON P. STOKES, "
JONAS M. LIBBEY, "
J. W. DICKINSON, Newton, Mass.
T. W. HIGGINSON, Cambridge.
GEORGE T. ANGELL, Boston.
MRS. HENRY WHITMAN, Boston.
CARROLL D. WRIGHT, "
H. L. WAYLAND, Philadelphia.

Department Officers.

I. *Education.*—Prof. W. T. HARRIS, Concord, *Chairman;* MRS. EMILY TALBOT, Boston, *Secretary.*

II. *Health.*—WALTER CHANNING, M. D., Boston, *Chairman;* E. W. CUSHING, M. D., Boston, *Secretary.*

III. *Finance.*—DAVID A. WELLS, Norwich, Ct., *Chairman;* HAMILTON A. HILL, Boston, *Secretary.*

IV. *Social Economy.*—Prof. W. B. ROGERS, Boston, *Chairman;* F. B. SANBORN, *Secretary pro tem.*

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman;* Prof. THEODORE S. WOOLSEY, New Haven, *Secretary.*

Executive Committee.

Prof. FRANCIS WAYLAND, *President;* F. B. SANBORN, *General Secretary;* F. J. KINGSBURY, *Treasurer;* MRS. EMILY TALBOT, *Education Secretary;* Dr. E. W CUSHING, *Health Secretary;* Prof. THEODORE S. WOOLSEY, *Jurisprudence Secretary;* HAMILTON A. HILL, *Finance Secretary.*

The special subjects of inquiry in each of the five Departments of the Association come before the Department Committees, three of which were reorganized at the Saratoga Meeting of September, 1880, and the other two — of Health and of Jurisprudence, were left to be arranged by the Department officers, subject to the approval of the Council,—which was done at the Council meeting, Dec. 10, 1880.

DEPARTMENT COMMITTEES.

Education Department.—Prof. W. T. Harris, Concord, Mass.; T. W. Higginson, Cambridge, Mass.; Justin Winsor, Cambridge, Mass.; A. R. Spofford, Washington, D. C.; W. F. Poole, Chicago, Ill.; Samuel S. Green, Worcester, Mass.; Prof. G. P. Brown, Terre Haute, Ind.; W. T. Switzler, Columbia, Mo.; John Hitz, Washington, D. C.; Prof. Alpheus Hyatt, Boston, Mass.; Mrs. Martha E. Ware, St. Louis, Mo.; Mrs. Rebecca D. Rickoff, Cleveland, Ohio; Miss Mary W. Hinman, Havana, N. Y.; J. P. Wickersham, Harrisburg, Pa.; Pres. F. A. P. Barnard, New York; Gen. S. C. Armstrong, Hampton, Va.; Mrs. Emily Talbot, Boston.

Health Department.—Walter Channing, M.D., Boston; D. F. Lincoln, M.D., Geneva, N. Y.; E. M. Hunt, M.D., Metuchin, N. J.; W. G. Wylie, M.D., New York; Prof. W. H. Brewer, New Haven, Ct.; J. C. Hamilton, M.D., Mobile, Ala.; George E. Waring, Jr., Newport, R. I.; Emily Pope, M.D., Boston; J. S. Billings, M.D., Washington, D. C.; S. B. St. John, M.D., Hartford, Ct.; David Hunt, M.D., Boston; Charles B. White, M.D., New Orleans, La.; Horatio Bridge, M.D., Chicago, Ill.; Henry B. Baker, M.D., Lansing, Mich.; John Rauch, M.D., Springfield, Ill.; Elliot C. Clarke, Boston; E. C. Seguin, M.D., New York; Dr. Plummer, San Francisco, Cal.; A. N. Blodgett, M.D., Boston; Mary Putnam Jacobi, M.D., New York; C. F. Wingate, New York; Elisha Harris, M.D., New York; E. W. Cushing, M.D., Boston.

Finance Department.—David A. Wells, Norwich, Ct.; Hamilton A. Hill, Boston; George Walker, Paris, France; George S. Coe, New York; Prof. F. A. Walker, New Haven, Ct.; B. B. Sherman, New York; J. M. Gregory, Chicago, Ill.; George F. Baker, New York; Carroll D. Wright, Boston, Mass.; Joseph D. Weeks, Pittsburgh, Penn.; Edward Atkinson, Boston, Mass.; William F. Ford, New York; Robert P. Porter, Chicago, Ill.; Frederick W. Foote, New York; B. F. Nourse, Boston.

Jurisprudence Department.—Prof. Francis Wayland, New Haven, Ct.; Charles A. Peabody, New York; Prof. Henry Hitchcock, St. Louis, Mo.; Rufus King, Cincinnati; Prof. Carlton Hunt, New Orleans; Prof. T. W. Dwight, New York; E. R. Potter, Kingston, R. I.; R. H. Dana, Jr., Boston; E. Coppeé Mitchell, Philadelphia; A. R. Lawton, Savannah, Ga.; F. J. Dickman, Cleveland, O.; B. H. Bristow, New York; Anthony Higgins, Wilmington, Del.; J. C. Parsons, Hartford, Ct.; E. J. Phelps, Burlington, Vt.; Emerson Etheridge, Memphis, Tenn.; Peter Hamilton, Mobile, Ala.; George M. Sharp, Baltimore, Md.; Theodore Bacon, Rochester, N. Y.; Theodore S. Woolsey, New Haven, Ct.

Social Economy Department.—Prof. William B. Rogers, Boston; Robert Treat Paine, Jr., Boston; Mrs. Henry Whitman, Boston; F. H. Wines, Springfield, Ill.; Charles L. Brace, N. Y.; Rev. Oscar C. McCulloch, Indianapolis, Ind.; Rev. Frank Russell, Mansfield, Ohio; Henry W. Lord, Detroit, Mich.; William P. Letchworth, Buffalo, N. Y.; Mrs. Clara T. Leonard, Springfield, Mass.; Mrs. Florence Bayard Lockwood, New York; Miss Anna Hallowell, Philadelphia; Robert T. Davis, M.D., Fall River, Mass.; William H. Macey, New York; F. B. Sanborn, Concord, Mass.

MEMBERS OF THE ASSOCIATION.

[All officers are *ex-officio* members of the Association; but persons serving on Department Committees may or may not be members of the Association. In recent lists, these members have been classified by States, but, for convenience, in the present revised list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States, and finally the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years,—but members so dropped can be restored to the list by paying their arrears. If any former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.]

ANNUAL MEMBERS.

ALPHABETICALLY ARRANGED.

Adams, Miss Sarah A., Boston, 16 Louisburg square.
Adams, W. Irving, New York City, 419 Broome street.
Adler, Prof. Felix, New York City, 604 Lexington avenue.
Agnew, Dr. C. R., New York City, 206 Madison avenue.
Aikin, Rev. Charles A., Princeton, N. J.
Allen, Dr. Nathan, Lowell, Mass.
Allen, Prof. W. F., Madison, Wis.
Ames, John H., Lincoln, Neb.
Amory, T. C., Boston, 19 Commonwealth avenue.
Amory, Wm., Boston, 60 State street.
Anderson, Dr. M. B., Rochester, N. Y.
Andrews, Israel W., Marietta, Ohio, Pres. Marietta Coll.
Angell, J. B., Ann Arbor, Mich.
Anthony, Henry B., Providence, R. I. 9 Benefit street.
Ashburner, William, San Francisco, Cal., 1014 Pine street.
Atkinson, Edward, Boston.
Atwater, Rev. Dr., Princeton, N. J.
Baker, Henry B., Lansing, Mich., State Board of Health.
Balch, F. V., Boston, 39 Court st.
Baldwin, Prof. S. E., New Haven, Conn.
Barnum, Hon. W. H., Lime Rock, Conn.
Barrows, Henry D., Los Angelos, Cal. (Barrows, Furry & Co).
Bartholow, Dr. Roberts, Cincinnati, O.
Bartlett, George B., Concord, Mass.
Bateman, Warner M., Cincinnati, O.
Belcher, G. C. W., St. Louis, Mo., (Belcher Sugar Refining Co.).
Billings, Frederick, Woodstock, Vt.
Billingsley, L. W., Lincoln, Neb.
Bissinger, Philip, New York City, 22 St. John street.
Bittinger, J. B., Sewickley, Pa.
Blake, Stanton, Boston, 87 Milk st., Room 42.
Blatchford, E. W., Chicago, Ill., 375 No. La Salle street.
Bliss, Eugene, Cincinnati, O.
Bliss, Prof. Philemon, Columbus, Mo. (Missouri University).
Bond, Charles H., Middletown, Conn.
Bond, Frank S., Marshall, Texas.
Bonney, Dr. Franklin, Hadley, Mass.
Booth, Rev. Henry M., Englewood, N. J.

Bowker, R. R., New York City, 34 Park Row.
Bowman, John B., LL.D., Lexington, Ky., University of Ky.
Brace, Charles L., New York City, 19 East 4th street.
Bradford, Charles F., Boston, Mass., 2438 Washington street.
Braman, J. C., Boston, Mass., 50 State street.
Breed, W. J., Cincinnati, O.
Butts, Mrs. Isaac, Rochester, N. Y.
Brewster, Lyman D., Danbury, Conn.
Brühl, Dr. Gustav, Cincinnati, O., 32 Hopkins street.
Bright, J. B., Waltham, Mass.
Brockway, Z. R., Elmira, N. Y.
Brooks, Peter C., Jr., Boston, 7 Arlington street.
Brooks, Phillips, Boston, Clarendon street.
Brooks, Shepherd, Boston, 92 Beacon street.
Brown, Henry B., Detroit, Mich.
Brown, Stewart, New York City, 21 West-34th street.
Bullard, W. S., Boston, 5 Mt. Vernon street.
Burrell, Dr. D. R., Canandaigua, N. Y.
Butler, Dr. John S., Hartford, Conn. U. S. Hotel.
Butler, Wm. Allen, New York City, Trinity Building, Broadway.
Cabot, J. Elliot, Brookline, Mass.
Caldwell, J. D., Cincinnati, O., 233 West 4th street.
Carey, W. F., Boston, Mass., 64 Beacon.
Chace, Geo. I., Providence, R. I.
Chamberlain, Dr. C. W., Hartford, Conn.
Chandler, Prof. C. F., New York City, Sch. of Mines, Columbia Col.
Chapin, Dr. J. B., Willard Asylum, P. O. Willard, Seneca Co., N. Y.
Chase, Geo. B., Boston, Mass., 203 Beacon street.
Church, Frederick C., Hudson, N.Y.
Clark, Albert, St. Albans, Vt.
Clark, Prof. F. W., Cincinnati, O. Cincinnati University.
Clark, I. S., Boston, Mass., 47 Franklin or 34 Pinckney street.
Collamore, Miss H., Boston, 115 Beacon street.
Collier, M. Dwight, St. Louis, Mo., 21 Singer Building.
Collins, Charles, New York City, 414 Broadway.
Conner, Dr. P. S., Cincinnati, O., 122 West-7th street.
Converse, Chas. A., Norwich, Conn.
Coolidge, T. Jefferson, Boston, Mass., 60 State street.
Corning, Erastus, Albany, N. Y., 37 State street.
Cowles, James L., Farmington, Conn.
Coxe, Eckley B., Drifton, Jeddo P. O., Lucerne Co., Pa.
Curtis, Geo. W., New West Brighton, Staten Island, N. Y.
Dall, Mrs. C. H., Georgetown, D. C.
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PREFACE.

The present number of the Journal contains the concluding half of the Papers read before the Association at the General Meeting of 1880, in Saratoga. Two of the Papers there read have been omitted, because not received in time, the Report of Mr. Weeks on Casualties in Mining, and the Paper of Dr. Cushing on the Regulation of Medical Practice by Statute. The Paper of Mr. Brace here printed was only read in part at the Saratoga meeting, and the same is true of the long and valuable essay of Mr. Hartwell. No further publication will be made of the Saratoga papers of 1880.

The Papers invited and the General Order of Business for the Saratoga Meeting of 1881, so far as can now be announced, appear in the following list. The sessions will be held in Putnam Hall, and the headquarters of the Association will be at the United States Hotel, as in former years:

I. THE GENERAL SESSION.

MONDAY, SEPTEMBER 5.

At 8, P. M., Opening Address of President Wayland, of New Haven.

At 9.30, P. M., Reception of members and guests at the United States Hotel.

TUESDAY, SEPTEMBER 6.

At 9, A. M., Report of the General Secretary.

At 9.30, A. M., Other Reports and Communications.

At 8, P. M., a Paper by Charles Dudley Warner, Esq., of Hartford, Conn., on *American Journalism.*

WEDNESDAY, SEPTEMBER 7.

At 8, P. M., an Address by Hon. Francis A. Walker, Superintendent of the Census, on *Some Results of the Census of* 1880, followed by a Debate.

THURSDAY, SEPTEMBER 8.

At 8, P. M., an Address by George William Curtis, Esq., of New York, on *Civil Service Reform in America*, followed by a Debate.

II. DEPARTMENT MEETINGS.

TUESDAY, SEPTEMBER 6.

Department of Education.

At 10, A. M., Address by the Chairman of the Department, Prof. W. T. HARRIS, of Concord, Mass.

At 11, A. M., a Report by the Secretary, Mrs. EMILY TALBOT, on the Work of the Department.

At 11.30, A. M., a Paper by Senator BROWN, of Georgia, on the *Relation of the Federal Government to Common Schools.*

At 12, M., a Paper by Gen. JOHN EATON, on the questions of *Education in the Southern States*, followed by a Debate.

At 1, P. M., a Paper by Prof. G. S. HALL, of Boston, on *Religion and Morality in School Education.*

At 4, P. M., a Debate on the *Education of the Deaf*, opened by Dr. EDWARD M. GALLAUDET, of Washington, D. C.

WEDNESDAY, SEPTEMBER 7.

Department of Health.

At 9.30, A. M., an Address by the Chairman of the Department, WALTER CHANNING, M. D., of Boston.

At 10, A. M., a Paper on *House Drainage*, by EDWARD S. PHILBRICK, Esq., of Boston, followed by a Debate.

At 11, A. M., a Paper on *The Success of Women as Physicians*, by Dr. EMILY POPE, of Boston.

At 12, M., a Paper on *The Moral Treatment of Incipient Insanity*, by Dr. MARY PUTNAM JACOBI, of New York.

At 1, P. M., A Report by the Secretary, E. W. CUSHING, M. D., of Boston.

THURSDAY, SEPTEMBER 8.

Department of Jurisprudence.

At 10, A. M., a Paper by Prof. W. C. ROBINSON, LL.D., of the Yale Law School, on the *Unification of our Jurisprudence.*

At 11, A. M., a Debate on the *Temperance Question:*

Hon. P. EMORY ALDRICH, of Worcester, Mass., will advocate *Prohibitory Legislation;*

Rev. LEONARD W. BACON, of Norwich, Conn., will advocate a *License Law;*

Hon. F. W. BIRD, of Walpole, Mass., will advocate *Unrestricted Traffic.*

At 12.30, P. M., a Paper on *Divorce Legislation*, by Ex-President T. D. WOOLSEY, D.D., LL.D., of New Haven.

FRIDAY, SEPTEMBER 9.

Department of Social Economy.

At 10, A. M., Address by the Chairman of the Department, Prof. W. B. ROGERS, of Boston.

At 10.30, A. M., Reports from a Special Committee on *Homes for the People*, by ROBERT TREAT PAINE, JR., Esq., of Boston, and others, followed by a Debate.

At 12, M., Reports from a Special Committee on *Art in its Relation to the People*, followed by a Debate.

At 8, P. M., an Address by THOMAS HUGHES, Esq., of London, England, on *Co-operation as Exemplified by English Experience since* 1870.

Other announcements will be made later, and some changes in the above order will doubtless be made.

The presence of the members of the Association is invited at the Eighth Annual Conference of Charities to be held in Boston from the 25th to the 30th of July, 1881. Governor LONG of Massachusetts, will preside at the opening of the Conference, and several of the Governors of States are expected to be present, as well as delegates from a majority of the States and from Canada. The retiring President of the Conference, (Mr. F. B. SANBORN) will give the annual Address on Monday, July 25, and one of the six Standing Committees will report on that day, and on each of the other days of the session. The forenoons will be given to these reports and to the debates following, the afternoons to visiting institutions of charity and correction in the vicinity of Boston, and the evenings to a session for papers and debates.

Members of Boards of Charities and Prison Commissions are *ex officio* members of the Conference, as well as the delegates appointed to represent States. All persons officially connected with public charitable, penal or reformatory establishments, who attend in that capacity are also members of the Conference; and all persons regularly delegated to represent private charitable organizations, are admitted as members on presenting their credentials. All other persons interested in charitable work are invited to be present.

The list of officers elected at Saratoga has been somewhat changed by death and resignation since the publication of the last number of the Journal, and now stands as follows:

OFFICERS OF THE ASSOCIATION, 1880-1881.

President, FRANCIS WAYLAND, New Haven, Ct.

First Vice-President, DANIEL C. GILMAN, Baltimore, Md.

Vice-Presidents.

MARTIN B. ANDERSON, Rochester, N. Y.
THOMAS C. AMORY, Boston.
RUFUS KING, Cincinnati.
MRS. JOHN E. LODGE, Boston.
W. L. TRENHOLM, Charleston, S. C.
Miss MARIA MITCHELL, Poughkeepsie, N. Y.
W. H. RUFFNER, Richmond, Va.
THEODORE D. WOOLSEY, New Haven.
MRS. C. H. DALL, Georgetown, D. C.
HENRY B. BAKER, Lansing, Mich.
T. M. POST, St. Louis.
ISAAC SHERMAN, New York.
NATHAN ALLEN, Lowell.
HENRY VILLARD, New York.
J. W. HOYT, Cheyenne, Wyoming.

General Secretary, F. B. SANBORN, Concord, Mass.

Treasurer, F. J. KINGSBURY, Waterbury, Ct.

Directors.

DORMAN B. EATON, New York.
HORACE WHITE, "
ANSON P. STOKES, "
JONAS M. LIBBEY, "
J. W. DICKINSON, Newton, Mass.
T. W. HIGGINSON, Cambridge.
GEORGE T. ANGELL, Boston.
MRS. HENRY WHITMAN, Boston.
CARROLL D. WRIGHT, "
H. L. WAYLAND, Philadelphia.

Department Officers.

I. *Education.*—Prof. W. T. HARRIS, Concord, *Chairman;* MRS. EMILY TALBOT, Boston, *Secretary.*

II. *Health.*—WALTER CHANNING, M. D., Boston, *Chairman;* E. W. CUSHING, M. D., Boston, *Secretary.*

III. *Finance.*—DAVID A. WELLS, Norwich, Ct., *Chairman;* HAMILTON A. HILL, Boston, *Secretary.*

IV. *Social Economy.*—Prof. W. B. ROGERS, Boston, *Chairman;* MRS. HENRY WHITMAN, Boston, *Secretary.*

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman;* Prof. THEODORE S. WOOLSEY, New Haven, *Secretary.*

Executive Committee.

Prof. FRANCIS WAYLAND, *President;* F. B. SANBORN, *General Secretary;* F. J. KINGSBURY, *Treasurer;* MRS. EMILY TALBOT, *Education Secretary;* Dr. E. W. CUSHING, *Health Secretary;* Prof. THEODORE D. WOOLSEY, *Jurisprudence Secretary;* HAMILTON A. HILL, *Finance Secretary;* MRS. HENRY WHITMAN, *Social Economy Secretary.*

SARATOGA PAPERS OF 1880.

PART SECOND.

Papers of the Jurisprudence and Health Departments.

GENERAL PAPERS.

PAPERS

OF THE

JURISPRUDENCE DEPARTMENT.

I. PENSIONS IN A REPUBLIC.

BY FREDERICK J. KINGSBURY, WATERBURY, CONN.

(Read Thursday, September 9, 1880.)

For the purposes of the present paper, I divide pensions into two classes: First, pensions *ex gratia*, and second, pensions *ex contractu;* the first class being such as depend upon somebody's favor, or upon accident; and the second class, not being thus dependent, but being the fixed and sure reward, attached to certain specific place, or service.

As to the first class, the pensions *ex gratia*, I have not very much to say in this connection, although there is much that is attractive about these solid expressions of sentiment. Theoretically, at least, they presuppose the unquestioned exercise of individual will. They are the peculiar province of greatness, of riches, of royalty. Their history lies on the border land of the fairies, the genii and the giants. They are the exhibition of munificence, or sometimes of that sweet and gentle charity which is so becoming to princes. They proceed from the giver's sovereign pleasure and own mere motion. But a republican form of government affords, on the whole, very scanty room for sentiment. A republic exercises no sovereign pleasure, and does nothing of mere motion.

The proverb says, "Republics are ungrateful;" that they are so is a law of their existence. Anything which cannot be measured, weighed, or counted must be discarded. Nothing shall be given, nothing received, which cannot be represented in a bill, or stated in an account, which may be duly audited and filed as a voucher. Gratitude soon perishes under such a regimen. Cæsar could give a

province to a favorite captain; Henry could present a crown jewel to a successful courtier; Napoleon could promote a subaltern to a regiment for a slight personal service. But how is it in a republic? Cæsar would be served with a resolution requesting information whether any appointments had been made not strictly in accordance with the rules of the civil service reform, and, if so, in what cases, and under what circumstances; and whether any money had been drawn from the public treasury in payment of the salaries of such persons, and, if so, on what authority, &c., &c. You see how it would be likely to end, especially if Cæsar should wish to run again for Emperor next year.

Somebody has said that "under a republican form of government there is no grace but the poorhouse." Perhaps this is hardly fair, as we do sometimes give pensions to disabled soldiers and reward successful generals. I am not quite sure whether these should be considered pensions *ex gratia*, or *ex contractu*. It is true that they are not given in pursuance of express contract; neither is the fee which the bridegroom hands to the clergyman. But there are customs which have all the force of law, with yet more awful sanctions behind them. On the whole, perhaps they belong to the *ex gratia* variety. They are frequently the expressions of a popular sentiment which does honor to the receiver and to the nation. I would not see them cease; they could not be safely multiplied. In a republic they must probably be regarded as anomalous.

AN INTERMEDIATE VARIETY.

Lying just on the border land between these two classes of compensation for service rendered, there is another, partaking the nature of both, which requires a word. Even within the memories of us now living, a quiet, but very great change has been taking place all over the civilized world in the relation to each other of the extremes of society, — the very rich and the very poor. Once there was a strong interdependence existing between them. On the one side, there was loyalty to old friends and old associations; there was a veneration and love which rendered service a pleasure, and a faithfulness which knew no bounds. The retainer knew his place and never expected to go beyond it. If his child grew up to fill it, it was all he asked or hoped. On the side of the patron, there was recognition of the obligation to protect and care for, to

feed and nourish in sickness and health,—an obligation extending through life and to posterity on both sides, and guarded by social sanctions stronger, and, in this case, far better, than legal codes.

Now all this is rapidly passing away. We point to it as one of the glories of our time, that it should be so; we regard it as one of the strides in human progress. But, connected with the change, as with all great social changes, there are gains and losses. It opens a new life to successful ambition, but it takes away a support and solace from those who are poor, not only in goods, but in spirit; and whose nature it is to depend on somebody higher and stronger than they, with unquestioning faith, and to render faithful, though perhaps, stupid, service in return. In our plans for improving the condition of men, we sometimes lose sight of those "little ones" whose province it is to be taken care of. The grace of the poorhouse, or the more doubtful grace of casual charity, is the only provision for them in our system. When it is settled that one man is as good as another, any mutual duty of service and protection ends. It was always one of the redeeming features, possibly the only one, in the system of American slavery, at all events, under a favorable exhibition of the system, that, to the extent of clothing, food and care for life, there was an obligation on the part of the masters. What the effect is to be of withdrawing this, or how it may be replaced, does not yet appear.

PENSIONS EX CONTRACTU.

Turning now to the consideration of the second class, pensions *ex contractu*, what I have to say is based largely on the following considerations: I note (1) that a very large percentage of the inhabitants of the civilized world labor hard all their lives to gain a bare subsistence, and (2) that whenever a *certainty* of a comfortable support through life, including care in sickness and in old age, is offered in consideration of life-long and faithful service, there are always plenty standing ready to close with the offer, and these by no means always from the lower classes of society. And I infer that there is a great number — indeed a very great number — of men and women in the world who, for this certainty of care and support, if it could be made a certainty indeed, — which certainty is the very essence of the proposition, — would most willingly give the reasonable, faithful service of their lives without asking other compensation or reward.

In proof of the truth of my second proposition, viz: that whenever a certainty of a comfortable support through life — including care in sickness and in old age — is offered in consideration of life-long and faithful service, there are always plenty standing ready to close with the offer, — I cite the history of the monastic orders, the monasteries, convents, colleges and nunneries of the Romish church. Here, — though under conditions which often war against nature, and add what seem to be unnecessary hardship and privation, to necessary toil, — the certainty of support has always attracted as many of all classes of society as these institutions could make room for.

The clerical body of the English church may also be cited as a case in point; where the stipend of a curate, though frequently painfully small, has partly, no doubt through the hope of advancement, but mainly, I think, from the certainty of support, been always a sufficient attraction to keep the lower ranks of the clergy well and respectably filled.

In the early days of New England, when a clergyman was called to minister to a people, the theory was that it was an undertaking for life, — on his part for faithful service; on the part of his people for reasonable support. And the ranks of the ministry were always kept well filled from the best class of the people, without the aid of auxiliary societies, such as the shifting necessities of modern times have created for the special purpose of inducing or enabling young men to undertake this work.

I would also cite the Shaker communities, a species of New England monasticism, which offers a life as bare of attractions as we can well conceive, leaving hardly a foothold for the affections or the imagination; but offering food and clothes and care, and perhaps some human sympathy of a barren sort, — something a little beyond the grace of the poorhouse, — and its ranks are fairly full.

I think also that this same fact underlies the attraction that Mormonism and the various forms of socialistic communism have presented to large numbers of pure-minded, well-meaning people. I would not forget or overlook the fact, that underlying these forms of life which I have referred to, there is a religious element which may be supposed to furnish a sufficient motive, and that this fact detracts from their value as proofs of my proposition. But it is only this certainty of support, in which they all agree, that makes

this offering of a life work a possibility; and besides, our human motives are always so mixed that, judged in the light of what we see and know in other cases, I do not think I am doing injustice to the religious zeal of any of these orders if I cite them in proof of my proposition.

THE PRACTICAL QUESTION.

But the point to be observed is this: that the organization of our civilization is such that a large portion of mankind are glad to embrace the certainty of a comfortable physical life, and to give in return for that certainty a reasonable service, in preference to battling with the uncertainty of a dependence on their own efforts in winning a subsistence. And one practical question, in connection with it, is, whether, or to what extent, this fact may fairly be utilized in meeting some of the problems of our social life.

Of course, society owes it to humanity, owes it to itself, that, so far as is consistent with the best good of all, none of its members should be allowed to suffer; society recognizes this obligation in a thousand ways. That it exists and is imperative, may be assumed without argument. There are limitations, but the limitations are of the same nature as the obligation. It has been discovered by experience that man is lazy. If you will support him without effort on his part, there is great danger that he will not make the effort. Laziness leads to idleness, idleness leads to crime; so that it has been found better for the man and for the race, that he should suffer some pangs of hunger, some cold, some pain, that he may thereby be roused to so much exertion by his necessities that, in the end, his manhood may not be wholly wrecked. This is one of the recognized dangers of nearly every form of so-called charity. Mankind, as a whole, must be fed, clothed and sustained by its own labor; what one does not do another must. Since the world was made, there has been but one good season for manna, and even then it had to be gathered. "He that will not work, neither shall he eat," is a general principle of universal application, as sound as it is old. Perhaps some will remember a spirited little sketch which appeared many years since, in illustration of one of the pet theories of Fourierism, in which an obese individual, leaning against a fence, declines an invitation to go and dig potatoes on the ground that he belongs to the "eating group." I imagine that the tendency of that group to increase has been the ruin of

many a promising socialistic experiment. The problem of industrial life is, how shall the work of the world be so ordered that each shall have his work to do, shall do it, and shall receive his reward, to wit, his comfortable support through life. To the individual, the problem presents itself somewhat in this form: "I shall live seventy years, perhaps eighty; barring accident and disease, I shall be able to work for forty or fifty of those years. The first ten, fifteen, or twenty, as the case may be, will be provided for by my parents, or others; but that must be offset by what I must do for my children, or those dependent on me. Now, to be comfortable, I must earn enough in these forty years not only to support me during that time, but to lay by a surplus equal to my support during the thirty or forty years more, together with a percentage as insurance against sickness, accident, or other misfortune." Stating the problem in this form, is it strange that the man or woman, and especially the woman, should at the outset be ready to make the compromise, and say, "I will give you my faithful labor, if, in exchange therefor, you will make sure to me a comfortable support." And, indeed, so far as the woman is concerned, is not that the contract which she is always making? Without the element of positive certainty, too, on the other side.

Now, what I have to suggest is not, by any means, proposed as a solution of the labor question, or a panacea for pauperism. It is simply an inquiry whether this disposition to give one's life-work for a life support cannot be recognized, and, to some extent, economically utilized in carrying on the work of the world.

To leave abstractions: let us suppose, if you please, that a great railroad corporation, of undoubted credit (for there are such), free from debt, and whose obligation would be as safe as most human things can be, should adopt a system for its employés, by which any person, remaining in its employ for a certain number of years, should, thereafter, be entitled to care, in sickness and health, during the remainder of his life; and, in case of accident, that some fixed provision should be made for his family. Would not a position in such a company's service be eagerly sought, at a rate of remuneration which would enable the company to compensate itself for the additional risk of the undertaking? Or, suppose that, in domestic service, a custom could be developed that wages should gradually increase in case of long continued faithful service, at some recognized, or partially recognized rate. And that a certain continu-

ance in such service should constitute a claim for care and protection, — would not the millenium be hastened thereby? Or, in the halcyon days of civil service reform, shall not the grey haired old clerk, who has served his country through successive administrations, have his downward path smoothed by that country which he has so faithfully served? I speak here in the presence and with uncovered head. Of course, the first and most vital point, in any such scheme, would be, that the obligation to furnish support should be of the highest value. Perhaps there are not at present many business corporations, certainly, very few individuals, whose obligations would be of sufficient value to warrant the employé in trusting to it for a life-support. But this is a question of detail, of which there are doubtless a great many, but which would work themselves clear in time. So, too, the changing, roving habit of our working classes would be antagonistic to such a plan; but, *per contra*, the plan would work against the roving habit, and a general or even rapid change is not urged nor desired. But when one is frequently pained by the sight of helpless old age, or suffering invalidism, or a constitution hopelessly broken down by hard, but unsuccessful, — possibly, because ill-directed, — toil, we lay hold on anything which seems to offer promise of a better state of things. There are men and women to whom God has given the skill and power successfully to manage and direct the labor of others, so that it shall inure to the benefit of all. And there are others to whom this power has been denied, who must find their sphere in obedience and dependence; and any scheme which shall enable us to any extent to harmonize the relations of these two elements, is worthy of our attention. Nor is there anything wholly new in the plan here suggested, or in any of its applications. The Cunard Steamship Company have, for many years, I understand, adopted it to some extent. So, also, our retiring system, in the army and navy, is a step in the same direction, where, however, the support is doled out with so niggardly a hand that neither grace nor justice are satisfied. So, also, there are occasional *emeritus* professorships in our colleges. But these belong, I think, to the *ex gratia* division. They might be transferred, with propriety. So, indeed, life insurances, annuities, and other similar contrivances, may, doubtless, be cited as a partial recognition of the same idea. But what I plead for is a more clear and distinct acknowledgment of its importance and economic value; a more liberal application of the

plan, a larger undertaking for the declining years, balanced by a proper reduction in present compensation.

PUBLIC OFFICES.

I have treated the pension system thus far mainly in reference to its value as a remedy for some of the inequalities and hardships of our social system, and as a method of adjusting the discrepancies which grow out of the unequal distribution of the business faculty among men. I come now to speak of what I at first proposed to myself as the burden of this paper, and from the consideration of which I have allowed myself to be led, perhaps unwisely, astray, viz: the economic value of the pension *ex contractu*, as a method of adding dignity, permanency of character and general usefulness to certain offices, in connection with which either ample private fortune or assured pecuniary independence, secured by some other method, seem particularly desirable. The manifest justice and expediency of the application of this system to the clergy has already led to various somewhat feeble attempts, in nearly all religious bodies, to make some provision for old age and feeble health in this class of men. But a more thorough appreciation of the economic principle involved would, I apprehend, lead to such vigorous and systematic effort as should spare us the pain of seeing these servants of God and their fellow-men, left to drag out an old age in want. In the Roman Catholic Church, to be sure, the clergy are the sons of the church: "They that wait at the altar are partakers with the altar,"—nor is this an empty figure of speech. By the nature of their calling the clergy are in good degree debarred from entering into business transactions, or from doing any thing which shall enable them to accumulate a sufficient provision for sickness or old age. Public opinion requires from them this abstinence from secular callings, and usually their training and education also unfits them. They give their lives to their work, asking for nothing but their daily bread. And if only that could be assured, what a load would be taken from many a weary soul, toiling in his Master's field through the heat of the day, with no better prospect than a frigid charity, sometimes worse than pauperism, at the evening of life.

The independence and purity of the judiciary is the corner stone of liberty, — the only guaranty of freedom for the country or the individual. To maintain this, we should at all times be able to

place upon the bench the best men whom it may be possible to select, whose character and acquirements most fit them for the high office. Successfully to do this we must, in all ways possible, exalt and dignify the position itself, so that the office may of its own force carry with it grandeur and nobility. This cannot successfully be done without seeing to it that the mind of the occupant shall be free from all pecuniary anxiety.

Said Amos Lawrence: "I consider the value of a great fortune to consist in this, that it gives to its possessor the sense of personal independence." And the clerical wag, who always borrowed five dollars of a friend on Saturday night and returned it on Monday morning, in order that he might be able to preach without fear of man,—having a consciousness of money in his pocket,—understood the matter in the same way. But it is not desirable that we should be always limited in our choice to possessors of fortunes,—even borrowed ones.

There may be Spartan natures,—indeed, our own judiciary is not wanting in examples,—that would devote the best years of a pure life to the public service, living meanwhile, so to speak, on a crust. But this is not the rule. It should not be required nor expected.

Thus far, it is true, we have, on the whole, been fortunate in our judiciary. The value of money has been greater in the time past, and, I fear, the honor of the position also. But we are beginning to suffer from a change. It has become notoriously difficult to fill the higher judicial places with the men whom public opinion designates as most fit. Do we appreciate as we ought the full significance of this. Is it not fraught with evil? A fact to make us tremble. Can it be well with a nation when she cannot freely command the services of her best citizens for her highest offices? Now, there are but two remedies for this trouble. Either salaries must be increased to so large an amount as to bear some close relation to the professional gains of the ablest men, or a substitute must be offered, in such an assured support through life, as shall seem an equivalent therefor.

We can hardly expect to bring ourselves at once up to the standard of the great, but, perhaps, not too great, judicial salaries of Europe, but we can accept the other alternative. Briefly, then, I would urge, that to our highest judicial positions, say our courts of last resort in the States, and to our Federal courts generally, there be attached pensions liberal in amount, either for life or

beyond, to be entered upon whenever old age or declining health rendered the recipient unable longer to perform the duties of his office. That such a plan as this would have no place under a system which appoints or elects the judges of its highest courts, for terms of five or ten years, will, I trust, be no argument against it.

Why is it that as we grow more and more material, and year by year the money power,—that which is money power and nothing else,—becomes greater and more obtrusive, we should seem to endeavor to ignore the true power and value of wealth, and to be ashamed of the grand and elevating character of a force, while we yield ourselves so freely to its more sordid and ignoble influences? It is not the power of wealth which we shou d seek to avoid, but the wielding of that power by sordid, vulgar, ignorant and corrupt wills, and in the interest of what is false and mean. And we shall find that this force can be most effectually withstood, not by sneering at money, or ignoring its power, but by sanctifying, so to speak, its uses, and combating the vulgar and corrupt by the enlightened and the pure.

When John Adams rose on the floor of the Continental Congress to nominate George Washington as commander-in-chief of the American army, one of the first qualifications that he named was the possession of an ample fortune; not because it was expected he would use that fortune, but because of the personal independence, the social power and influence, that it gave its possessor. There were other men who wanted that place that day, far more than did Washington. Why was it that no man quite dared to speak of him as a bloated bondholder, or a purse-proud aristocrat, or even as the owner of a barrel? Perhaps he was all these, but he was something more. We do not honor ourselves when we endeavor to bring down all men, or all places, to our own level. In honor as in goods, "There is a withholding that tendeth to poverty."

We may not always find or care to find for our presidents men of ample fortunes, but we owe it to ourselves and to our national honor, that having once placed a man in that position, he should never thereafter want means to support the dignity and state that should belong to one who has once occupied that distinguished office. Henceforth let him belong to his country.

In order to emphasize the economic aspect of the plan, I had entered into some calculations to show that a liberal retiring pension

might be given to a president without material additional expense, but I have concluded to omit the figures. I did think, also, of making a brief appeal in behalf of pensions for some prominent candidates for high office. I am sure there have been times when it would have saved us all a deal of trouble, but the fear lest it might multiply applicants leads me to think it better to bear the evils that we have (or have had) than fly to others that we know not of.

NOTE. — After the above Paper was prepared, I learned that the subject of pensions for college professors, had already been agitated in one, at least, of our leading universities; also, that a distinguished German scholar, who had been invited to a chair in one of our American universities, had hesitated to accept, because, although the salary offered here was much larger than he received in Germany, no pension was attached. Also, that one of our leading railroads had adopted the pension plan, to some extent, and, so far as tried, with gratifying results.

This Paper was read before the subject of a pension for retiring presidents was discussed in the newspapers, otherwise, I should have added a few figures in illustration of what I conceive to be the proper application of the plan. Suppose that, instead of $50,000 per annum, we make our presidential salary $30,000, with a retiring pension of $10,000 per annum. A little computation will show that the cost of this change to the country would be next to nothing, while we should be spared the disgrace of seeing an ex-chief magistrate reduced to want, an event, I regret to say, not wholly unknown in our history, and which, evidently, may occur again.

II. MODERN LEGISLATION TOUCHING MARITAL PROPERTY RIGHTS.

BY HENRY HITCHCOCK, LL.D., OF ST. LOUIS.

(Read Thursday, September 9.)

During more than thirty years past the several States of this Union — some earlier, some later, now with hesitating steps, again with innovating boldness — have been legislating upon the subject of property rights under and as affected by the marriage relation. In no less than fifteen States this topic has been thought to deserve a place among the provisions of their Constitutions, beginning with the Constitution of California adopted in 1849.

Almost without exception, the legislation referred to has been a departure, varying greatly in degree but uniform in tendency, from the rules and principles of the common law, inherited or adopted from England, and the foundation upon which, in all the States except California, Louisiana and Texas, their several superstructures of municipal law were for the most part erected. In all such statutes the end proposed seems to have been the relief of married women from supposed injustice, and the protection of the property which they possessed before, or might acquire or earn during marriage, from any claim in favor of their husband's creditors. That such protection is necessary, wise and just, is the common postulate of all the statutes in question.

But the degree and the mode of development of this important proposition has varied greatly in different States. For example, under the Tennessee statutes of 1850, amended in 1875, it went no further than the exemption of the wife's property, real and personal, from seizure by the husband's creditors, and the requirement of the wife's concurrence in the husband's sale of her real estate. Under these acts the old doctrine of the common law remained essentially unimpaired, to wit, that *at law* — that is, in the absence of voluntary trust settlements under the principles of equity jurisdiction — the legal ownership and control of the wife's property in possession passed by the marriage to the husband. In Missouri, on the other hand, legislation which began in 1849 with a mere exemption from seizure on execution for the husband's *ante-nuptial* debts, of all property owned by the wife before, or acquired by her during the marriage, has at length blossomed and

expanded into the present code of 1879. This not only secures to the wife the absolute ownership and control, independent of her husband, of all personal property which she may own at, or acquire by gift, bequest or inheritance, or by purchase with her separate estate, or her own labor, or as damages for a *tort* to herself during, the marriage, but in terms disables the husband from selling, encumbering, or otherwise disposing of any such property, unless by her express assent *in writing*, fully authorizing him thereto. The provisions of the same code in respect of the husband's interest in and control — or want of control — over real estate owned by the wife involve almost as complete an abandonment of the common-law rules; though in Missouri, as in several other States, we find an anomalous survival of that common-law right in the husband known as his "estate by the curtesy," namely, his right in virtue of the marriage, consequent upon the birth of a child, the husband also surviving the wife, to an estate for his life in the lands owned by the wife in fee. In Massachusetts the changes from the old law are even more sweeping, but for our immediate purpose these illustrations suffice.

It is the object of this paper to call attention to some of the more important changes which have taken place in the municipal law of the United States touching this class of property rights, so intimately connected with the very framework of society itself. Its limits preclude any attempt to set forth either the history or the full effect of the several statutes in question. Such a task would involve the collation of two or three hundred separate enactments, in nearly forty different States, during a period of thirty years and more, and which have been under discussion in perhaps a thousand or two of decided cases. Mr. Bishop's treatise on the "Law of Married Women," of which the second volume, specially devoted to the modern legislation on this subject, was published in 1875, is one of the latest and best authorities upon the subject, evincing great research and independent thought; and the present writer desires once for all to express his obligations to it for many of the statements herein made. A still later treatise, by Mr. Wells, of Illinois, though less elaborate, is also a valuable statement of the existing law.

In truth, the magnitude of the task is not its greatest difficulty. The chief embarrassment of any attempt to state accurately or completely the existing law on this subject would be found in the

fact that while these statutes are destroying, piecemeal, the ancient common-law system of marital property rights, expounded and eulogized by Blackstone, it has not yet been replaced, even in States where not a vestige of the common law on this subject remains, by a new system, symmetrical, consistent, or complete. To quote from Mr. Parsons' treatise on the Law of Partnership:—

"The whole law of married women is, in this country, or in many of our States at least, in a transition condition, and it is not easy to ascertain or define it. There is everywhere a strong disposition to escape from the old feudal doctrine, which almost merged the existence of the wife in that of the husband. We do not always remember, however," adds this eminent jurist, whose warning hasty legislators and too ardent reformers might heed with profit, "that the opposite of wrong, is not necessarily right."

In like manner, Mr. Schouler, in the introductory chapter of his work on Domestic Relations, says:—

"The law of England and America on this topic [husband and wife] is now undergoing a remarkable change; and so unsettled are its principles at the present time, that the writer has felt constrained to depart somewhat from the usual plan of law treatises, adopting what might be termed a consecutive or historical arrangement of his materials, since otherwise the subject would furnish to the reader's mind *little else than a series of unreconciled contradictions.*"

It may be doubted whether, in respect of any other class of property rights, the actual *status* of the municipal law of many of the United States, or its just administration, is attended with so much uncertainty. Bench and bar alike are constantly embarrassed by the duty of construing and applying new statutes, which in part abrogate and in part leave untouched long-established rules: statutes couched in terms, the full force of which the legislator evidently had not weighed, and raising new questions for which they afford no solution. Yet the courts, compelled to face these questions in the ceaseless conflict of human interests, must somehow solve them: if not by the express provisions of the statute, then in harmony with its probable intent, and also in harmony with other established rules of property or conduct,—to disturb or ignore which would be equally an abuse of judicial power and the sure occasion of future injustice. It is not surprising that inconsistencies, not only apparent but real, should be met with.

But history teaches nothing more clearly than that fundamental changes in laws and institutions, especially among a free people, can come about only by this process of development. They are

evolved, commonly by slow degrees, from antecedent habits, customs and laws which no longer satisfy desires or respond to convictions constantly modified by new material conditions, new moral and political forces, themselves the product of causes equally composite, equally the outgrowth of the past, but peculiar to that people and to that stage of its history.

And the process itself, whether of true growth or of decay, is, for most of those whose destiny it affects, as unconscious as the daily growth or decadence of their physical frame.

It is the province of social science to observe and compare the phenomena scattered (it may be) through long periods and over wide areas, from which to ascertain the causes and tendencies of such a process; to forecast their operation, to discern those which exalt and purify society from those which, uncontrolled, tend only to its degradation — and thus to aid the moralist and the law-maker to enlist on the side of beneficent progress even the unconscious and unmoral forces of natural appetite and desire.

Let us endeavor, in part at least, to analyze the meaning and the tendency of the legislation already referred to: to which end must first be considered the preëxisting laws which it changes or repeals.

Every system of jurisprudence includes, or rather rests upon, a body of rules, principles and maxims, constituting what is called "the unwritten law," as distinguished from the written or statute law of express legislative enactment. In all our American States except one, the "common law," or the unwritten law of England, as modified by statutes, supplies the unwritten rule — the "civil" or Roman law taking its place in Louisiana. As between the unwritten law and a conflicting statute, the latter of course prevails, being the later *fiat* of the supreme power. But no legislative code ever did or could provide for the infinitely various contingencies of human life, to say nothing of the ever-recurring necessity of applying and interpreting the statutes themselves; wherefore recourse must be constantly had to the unwritten rules and principles found in the authoritative decisions of the courts. Hence it has been truly said that "all provisions of law, statutory and common, at whatever several dates established, are to be construed together, as contracting, expanding, enlarging and attenuating one another into one harmonious system of jurisprudence." It is therefore necessary, as Lord Coke said long ago, "to know what

the common law was before the making of a statute, whereby it may be seen whether the statute be introductory of a new law or only affirmative of the common law; because this," he continues, "is the very lock and key to set open the windows of the statute."

"The common law," says Mr. Justice Blackstone, "considered marriage in no other light than as a civil contract; allowing it to be good and valid in all cases where the parties, at the time of making it, were willing to contract, legally able to contract, and actually did contract in the forms and solemnities required by law."

These words of the justly celebrated commentator on the English common law have, however, been criticised as inaccurate, in this: that marriage,—that is, the relation or condition of husband and wife,—while it originates in a contract, is not itself a contract, but a *status*. This distinction is of the highest importance. It is characteristic of the contract of marriage, that when a man and a woman do by mutual and lawful agreement become husband and wife, they thereby enter into and create for themselves a civil and political *status* which the State controls, and the rights, duties and liabilities growing out of which the State, not the contracting parties, prescribes and regulates. To adopt Mr. Bishop's illustration:

"If two couples were married, side by side, and the man and woman constituting one couple agreed that he should be master and she should obey him, and they who constituted the other couple agreed that the woman should be the master and the man should obey her, this agreement would have no effect upon their acquired *status*. As to the matter of mastership, the law would settle the question of rule between both couples alike."

It follows that the question whether the laws of a given people regulating marital rights and duties are wise and beneficent, or not, must be determined with reference to the *status*, both of persons and property, which those laws establish for husband and wife, as between themselves and between them and the community. Is it such that its incidents and consequences, as fixed by law, tend, on the whole, and so long as they fulfil its obligations, to secure the happiness of persons thus united, the welfare and stability of the family, the wholesome training of future citizens, and the purity, good order and safety of the State? Upon the answer to this question must largely depend the future of the State itself.

The *status* of marriage, according to the English common law as it existed a hundred years ago, is thus set forth by Blackstone:—

"By marriage, the husband and wife are one person in law; that is, the

very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband. . . . Upon this principle of a union of person in husband and wife depend almost all the legal rights, duties and disabilities that either of them acquire by the marriage. . . . For this reason a man cannot grant anything to his wife, or enter into convenant with her; for the grant would be to suppose her separate existence, and to covenant with her would be only to covenant with himself; and therefore it is also generally true that all compacts made between husband and wife when single are voided by the intermarriage."

This broad statement, however, that the legal existence or being of the wife is merged, during marriage, in that of the husband, must be taken with some qualifications, even at common law. The meaning of the rule is, that the relation which she occupies to him is such that she is held to be under his coercion or influence, and being thereby deprived of freedom of volition, should not be bound by her contracts with him. But a grant of property to her by a third person is valid, and vests the title in her, subject to the husband's marital rights.

Our limits forbid an attempt to quote in full the rules concerning marital rights and duties, as to persons and property, laid down by the learned commentator. Only the more important can be summarized here.

Following the common-law division of *things*, or property in general, into *things real*, or immovable property, — of which the chief example is land, — and *things personal*, or movable property, — such as merchandise, money, cattle, — the rights which, by and in virtue of the marriage, the husband acquired at common law in respect of the property of the wife may, in general and very briefly, be stated thus:—

1. As to lands of the wife, in possession, owned by her in fee,— that is, absolutely, — whether acquired by her before or during the marriage, the husband, as such, was entitled at law —

To the ownership and possession of such lands during the marriage, and to all the rents and profits thereof, with power to lease or convey the same without her concurrence. But the death of either wife or husband terminated the estate or interest in such lands so vested in him by and during the marriage. If the wife survived, she was again their sole owner, with the option of affirming or avoiding any lease or conveyance of them made by the husband alone. If the husband survived, no child having been born of the marriage, his estate in such lands by marital right

was at an end, and they descended to the heirs of the wife. But if there had been born of the marriage a child capable of inheriting, then the surviving husband, at the death of the wife, whether the child lived or not, became vested with an estate for the rest of his life in all such lands — technically known as his estate by the courtesy of England, or briefly, his curtesy estate.

2. As to what were called *chattels real*,—in common parlance, leasehold interest in lands,—if the wife owned or acquired any such, the husband, in virtue of the marriage, was entitled—

To all rents accruing during the marriage; also, to sell or dispose of the leasehold, or any interest therein, as his own, without her concurrence; and if she died first, he became absolute owner of such leasehold by survivorship. But if he died first, without having conveyed or disposed of such leasehold, then her sole ownership of the unexpired term revived.

3. As to what are called *chattels personal*, or movable property of the wife, in possession, by her owned or acquired during the marriage,—such as money actually in hand, goods or movable property of any kind in her possession or control, — all such property became the absolute property of the husband, the legal title thereto at common law vesting in him instantly upon and by virtue of the marriage, and her possession being in law the possession of the husband. Also, all the earnings of the wife during the marriage, though produced solely by her labor or skill, belonged absolutely to the husband, at common law; though in extreme cases, as of abandonment by him, a court of equity would treat them as her separate estate.

But the necessary apparel of the wife, and ornaments suitable to her rank and degree, which were called her "paraphernalia," belonged to her at her husband's death, not subject to be devised by him nor claimed by his representatives; nor was the former subject even to the claims of his creditors.

The estate or interest of the husband in these different classes of property, to the extent respectively above stated, was liable to be seized, like any other property vested in him, for the payment of his debts, whether contracted before or during the marriage.

Another description of property, known to the common law (and still technically designated) as *choses in action*, consisted of rights or demands, whether to money or property, which, if disputed or withheld, could be enforced only by an action or proceed-

ing in the courts—whence the name. Thus, a claim for money due on a bond owned by the wife before marriage would be a *chose in action;* and so, in general, all mere rights on her part to recover or enjoy money or property, not accompanied by its possession, are *choses in action.*

"These," says Blackstone, "the husband may have if he pleases; that is, if he reduces them into possession by receiving or recovering them at law. And upon such receipt or recovery they are absolutely and entirely his own, and shall go to his executors or administrators, or as he shall bequeath them by will, and shall not revest in the wife. But if he dies before he has recovered or reduced them into possession, so that at his death they still continue *choses in action*, they shall survive to the wife; for the husband never exerted the power he had of obtaining an exclusive property in them."

As to this species of property it remains to be said only that if the wife died first, the right of the husband, as such, thus to make it his own, ceased. But by the statute of 29 Charles II. he was entitled to administer on her estate, and as her administrator, though no longer as her husband, to recover and reduce into possession all her *choses in action*, if any, still outstanding, and after first paying therewith any debts contracted by her before marriage, to retain the residue to his own use.

From the common law principle of the legal unity of husband and wife flowed other rules touching their relations to each other and to the community.

The husband was the head of the family; and to him, as such, was by the common law committed that authority over the interests and the conduct of those who might compose it, which, in the nature of things, must inevitably reside *somewhere* in every society or partnership where common interests exist and conflicting views may arise. The wife being, in legal phrase, *sub potestate viri*,—under the power of the husband,—there resulted to him the right to decide and control, and to her a corresponding duty to obey, which, in those less critical and introspective days, seemed consonant alike to the voice of inspiration and the dictates of common sense. To her resulted also a legal incapacity to contract, not only with her husband, but with any person. At common law, any contract whatever made by a married women was, as to her, a mere nullity, for she was held to lack the freedom of will requisite for the consent which is a vital element in every valid contract; and though this rule imposed a disability, it was likewise held to be

a protection. For a like reason, no married woman could appoint an agent or attorney, though she might act as her husband's agent by his authority. Nor could she make a will. Another result of this principle was, that although the wife's capacity, in general, to commit crime was not merged or lost, she was still not responsible if she committed what would otherwise be crime, through constraint of her will by the husband; and in this respect the law protected her as it did not any other class of persons. Such constraint or coercion is presumed if the husband be present at the commission of an ordinary misdemeanor, or a felony of the lighter kind; but in cases of murder, treason, and some add robbery, the presumption does not exist, and actual coercion must be proved, to be a defence.

Again: the wife could not be made a defendant in any action at law unless her husband was joined as a co-defendant. To the husband, in their joint names, belonged the assertion in the courts of law of all rights or demands of which, in legal phrase, she was the meritorious cause—in other words, the consideration of which proceeded from her; nor could any action at law be brought in her name alone. But if the husband was banished, or abjured the realm, she could sue and be sued as a single woman.

Another important consequence of the legal unity of the husband and wife was the rule that "in trials of any sort they were not allowed to be evidence for or against each other; partly," says Blackstone, "because it is impossible their testimony should be indifferent, but principally because of the union of persons." But when the husband committed an offence directly against the person of the wife, he stood in no better case than any other criminal, and she might testify against him.

On the other hand, marriage imposed upon the husband certain obligations of his own, of which the first was the absolute duty to support and provide for his family. If the wife could not lawfully rule the husband, neither was she bound to support him. On the contrary, whether she brought him an estate or not, and even though she might, by grant or contract enforceable in a court of equity, possess a large separate estate,—which the common law permitted, as we shall see, though without enforcing such rights in the common law courts,—he was bound to maintain her in accordance with his own means and his position in society; failing in which, he was liable to third persons for necessaries furnished for

her proper support. Nor, in the absence of misconduct on her part affecting the marriage relation itself, could he under any circumstances escape this liability. Added to this was the duty of paying the wife's ante-nuptial debts, even though this privilege were the only dowry she brought him, provided he was required by her creditors to do so during the marriage; "for," says Blackstone, "he has adopted her and her circumstances together." At her death this duty ceased as to her debts not previously recovered against him, except to the extent of funds thereafter collected by him as her administrator. He was also civilly liable in damages for all *torts* or civil wrongs committed by her. Indeed, if committed by her in his company or by his order, he alone was liable; if not, he was jointly liable with her, and the action for damages must be brought against them both. It has been held in this country, under the common law rules, that in an action against husband and wife for damages for slander spoken by the wife, evidence of his efforts to prevent the circulation of the slander could not be received, even in mitigation. But in no case was the enticement of the wife held to be any justification for the husband.

Finally, though the wife acquired by her marriage no vested right in or to any property of the husband, but only the right already mentioned, to have him suitably support her and pay her debts, — an obligation which husbands have sometimes found quite coextensive with their ability, — it did at once confer upon her, at common law, an inchoate right to a provision out of his estate, which became consummate at his death, the wife surviving. This was "the well known provision termed *dower*, which consisted in the use by her, during her life, of one-third of the real estate whereof the husband was seized in his own right at any time during the marriage; it not being necessary, however [as we have seen that it was for the husband to acquire an estate by the curtesy in her hands], that there should actually be a child born." Nothing could deprive her of this right save her own voluntary act; for, though, if divorced, she forfeited dower, her fault must precede the divorce. Her concurrence, therefore, was necessary not only to the sale by her husband of any lands owned in fee by herself, but also to pass a complete and unencumbered title to any lands owned by him.

Moreover, by the ancient common law, which, it appears from

Blackstone, remained in force till the time of Charles I., or later, the widow was also entitled to her "reasonable part" — namely, one-third — of her husband's goods or personal estate, and his children to another third, only the remaining third being subject to his disposal by will; or if he left a widow and no children, she was entitled absolutely to one-half his goods, the remaining half being subject to his will. But successive statutes had changed this by the early part of the eighteenth century, so that a testator could bequeath his entire personal estate if he chose. Modern legislation in some of the American States has restored, substantially, the provision in this respect of the ancient law.

It is believed that the foregoing summary fairly sets forth, in outline at least, the *status* of marriage, and the rules of property applicable thereto, as prescribed by the English common law. And for almost a century after Blackstone's time, it was changed very little by statutes.

No doubt these rules were liable to grave abuse. The same may be said of every law or system of laws by which power over the interests or welfare of any human being, to any extent discretionary, is committed to any other human being. Of necessity they were general rules, framed in accordance with the theory of the marriage relation prevailing when and where they grew up.

The very foundation of that theory was the conviction, warranted alike by experience and by the precepts of Holy Writ, that the fulfilment of relations so intimate and so lasting, of duties which imply on both sides so strong a purpose of mutual care and affection and require a harmony of action so complete, demanded that when differences did occur, the unquestioned power and right should be at hand to decide and end them: and that the questions daily arising in the conduct of a family, as to the domicile, the associates, the occupations, and the expenditures of its members, should not become the daily occasion of domestic bickering and unhappy strife.

To men, in general, nature has given greater strength, cooler judgment, broader foresight: to women, in general, more quick and delicate but narrower sympathies, impulses more active but less stable, fortitude rather than courage, the gift to charm and persuade rather than the power to command. To the man, therefore, the common law assigned the headship of the family, and with it the duty and burdens of its support; to the woman, the

duty of obedience, and with it the right to be maintained, cherished and protected. And it will be observed that the husband's common-law rights in respect of the wife's property corresponded with the duty thus laid upon him; for, as Mr. Bishop has pointed out, they included only such interests therein as could be made available for present support. Such was the theory and such the general rules of the common law on this subject—characteristic of a vigorous and practical race. The question between them and any other system is not a question of the intellectual or other superiority of either sex, but simply, Which system is based, on the whole, upon the truer conception of the marriage relation, and which, on the whole, will best promote the ends for which that relation exists, human nature being what it is?

But it would be a very incomplete account of any important head of English or American jurisprudence that should omit to mention that other body of principles which, under the name of equity, and almost as ancient as the common law, grew up by its side, modifying and frequently controlling its operation. It is neither necessary nor possible here to set forth how this jurisdiction arose: in part from historical and political causes, in part because the common-law courts long obstinately adhered, especially in respect of real property rights, to the strict rules, the narrow and technical conceptions and often oppressive exactions of the feudal system, and refused or were unable to furnish relief varied and efficient enough for the wants of a growing civilization. Suffice to say, in the old phrase of the books, that equity supplied that wherein the common law, by reason of its universality, — that is, its general rules, inflexible, often harshly operating, — was deficient. Thus, if the common-law court found itself obliged by established rules and precedents to enforce the letter of the penal bond, and to forfeit the mortgaged estate for non-payment at the day, equity compelled the creditor to allow further time to redeem. When the common law could afford no redress but money damages, inadequate to repair the wrong or avert the mischief of a broken contract, equity would interfere to enforce its specific performance, or by injunction to prevent its threatened breach. He who obtained possession of an estate by the ceremony which the common-law courts recognized as vesting the title in him alone, but who refused to fulfil the trust and confidence upon which it was so conveyed to him, soon found the heavy hand of equity laid upon

his own person, and himself in its custody until that duty was acknowledged and performed. And so came about what has been well described as "that curious phenomenon in our jurisprudence, . . . that it should contain two separate and somewhat antagonistic series of principles, one of which is peculiar to one class of tribunals, and the other to another."

Now, while the common law, as we have seen, prescribed the *status* of marriage and the rights of property incident to it, yet it also permitted the parties, if they preferred some other rule to that which the common law otherwise furnished, to regulate those rights of property by ante-nuptial, and to a limited extent by post-nuptial contract, for which marriage was recognized as a consideration of the highest nature. For such a purpose the principles and the machinery of equity were available. The equity doctrine of trusts, not cognizable in common-law courts, enabled the intended wife, or her friends, by such a contract to interpose between herself and her husband a trustee, who, as against all the world but herself, should be the owner of her property, and against whom her husband could assert no claim in respect of it, except such, if any, as the contract secured to him; but who should hold that property for her separate and exclusive benefit, and whom at her suit a court of equity would compel to obey her sole instructions. The husband himself might by the contract be made such trustee; or, if not, a court of equity would declare him such, if necessary to give full effect to it; and his marital rights at law would be displaced by his duties as trustee in equity. In respect of such separate estate, her own position would be completely different from that assigned to her as wife by the common law. Her contracts, void and null in a court of law, would in a court of equity be valid as a charge upon and enforceable against her separate estate, as to which in equity she was treated as a single woman. At law, she could neither sue nor be sued alone, much less sue or be sued by her husband. In equity, in respect to her separate estate, she could do both. So highly did courts of equity favor and protect married women, that even where there was no contract nor separate estate, if the husband, in asserting his common-law rights to the possession of her property, sought the aid of a court of equity, it would be granted only on condition that he should settle on his wife such portion of the property, and upon such conditions for her separate benefit, as the court might deem

reasonable and just. This was called "the wife's equity to a settlement," and is one example of the relations of the two systems.

So, in many cases where no written contract, or settlement, existed, even where no express agreement of any kind had been made, courts of equity have seized upon acts or acquiescence of the husband in respect not only of the wife's property, but his own, upon which to base a presumption of a gift to her separate use, which they have enforced for her benefit, even to the absolute denial of common-law rights whose enforcement would have been harsh and unjust.

Thus grew up in England, and was transplanted to this country, a distinct body of law concerning married women, enforced by separate tribunals, and displacing the common law whenever, by reason of contracts or special circumstances, such as already mentioned, the jurisdiction of equity attached. The unwritten law, using that term in its broadest sense, included both. But notwithstanding these exceptions to and encroachments upon its rules, the *status* of marriage, and the legal unity of husband and wife established by the common law, remained; and even by agreement, only the rights of property incident thereto, could be changed.

The first step towards the new legislation appears to have been taken by the State of Mississippi, by an act passed in February, 1839, which *permitted* — but did not prescribe — the separate and absolute ownership by any married woman, in her own name, of any property, real or personal, acquired by her in any manner *except* from her husband after marriage; the exception being, of course, to prevent transfers from husband to wife in fraud of his creditors. This act, however, did provide that slaves owned at, or acquired after her marriage *should be* — not might be — the wife's separate property, but still reserved to the husband their control and management, and the profits of their labor. This partial, but significant change in the law stood thus for seven years. It has gone much farther since in that State.

Next came an act passed by the State of Maryland, in 1841, which only provided, however, that the wife's real estate should not be liable to execution, during her life, for her husband's debts; thus leaving his common-law rights untouched, but protecting them both, in respect of her property, against his creditors. This policy continued in Maryland, down to 1860, when, by statute, the wife's property was made her separate estate, including her earnings, to the extent of $1,000.

In 1844 to 1846 the movement thus commenced was joined by the States of Maine, Michigan, Rhode Island, Connecticut, Massachusetts, New Hampshire, Kentucky, Arkansas, and the then Territory of Florida, but with unequal steps. The differences in their respective statutes illustrate their tentative character, and the varying degrees of opposition which, doubtless, they met.

Thus, the Maine act of 1844 seems, in effect, to have destroyed "at one fell swoop" all the common-law rights of the husband in respect of the wife's property, except such as had already vested — the latter act of 1871, declaring in express terms that a woman having property is not deprived of any part of it by her marriage, since the act of March 22, 1844; and a husband, by marriage since that time, acquires no right to any property of his wife. The Michigan act of 1844 was, in substance, very similar.

The Massachusetts act of 1845, on the other hand, and the New Hampshire act of 1846, which copied it, only authorized the wife to acquire, *by express ante-nuptial agreement*, a separate estate in the property by her owned before, or acquired after the marriage. In these States, also, subsequent legislation has gone much farther, notably in the former.

The earliest Rhode Island statute (of 1844) secured in some measure to the wife, a separate estate in her ante-nuptial and post-nuptial property; and this, also, has since been extended and enlarged.

The Arkansas statute of 1846, was apparently in imitation of the Mississippi act of 1839, already mentioned, being, like that, only permissive of a separate estate. In view of what has been said concerning voluntary settlements by agreement before marriage, as long previously permitted by the common law and enforced by courts of equity, such statutes might seem to be superfluous. But they were important, not only as indicating the tendency of legislation, but because they substituted for the equitable estate or interest, which alone such settlements could secure to the wife, her absolute and complete legal estate in the property; to which somewhat different incidents were annexed and rules applied by the common law.

The Kentucky act of 1846 was much less radical in its provisions than some of those above mentioned. This State never has gone so far in what is called the protection of married women as some others. Even the latest revision (of 1873), while it takes

away the husband's common-law estate during marriage, in the wife's lands, and his right during marriage to claim as his own the rents and profits thereof, yet reserves to him the power to rent her real estate for not exceeding three years at a time, and to receive the rent. On the other hand, such real estate and rent are exempt from seizure for any debt or responsibility whatever of the husband; but are made liable for her ante-nuptial debts, and for such debts, contracted after marriage, for necessaries for herself, her husband, or any of their family, *as shall be evidenced by writing signed by her.* As to the wife's earnings during marriage, they are made absolutely her own, and her separate receipt discharges her employer; but the husband's estate by the curtesy as at common law, — that is, if a child be born of the marriage, and the husband survive the wife, his estate for the rest of his life, in all her inheritable lands, — is preserved, with the proviso that his contingent right to it is, during the life of the wife, exempt from liability for any separate debt of the husband's.

These curiously mixed provisions illustrate the crude condition of much of the existing legislation on this subject. It is obvious what evils they were aimed at, but a very brief consideration of their practical working would show that they afford dangerous opportunity for outrageous injustice to creditors under cover of the law. The community also needs protection sometimes.

The Territorial act of 1845, of Florida, was based upon a more definite theory. It provided, in express terms, that the wife's property, before marriage, and that acquired by her afterwards, should continue her separate and independent estate, not subject to the husband's debts, *provided* an inventory of it were recorded in the circuit clerk's office of the county where it was situated, within six months after the marriage, or after its acquisition; but also, that the husband should have the care and management of it, and should not be accountable to the wife for its income; all sales and transfers of the wife's property to be jointly made by husband and wife. In other words, it recognized the husband as the head of the family, and entitled to direct the expenditure of its entire income, but protected the wife's capital from diminution by his act or liability, unless by her free consent, while it gave notice to third parties how much of the estate, apparently belonging to him, was really beyond the reach of his creditors.

The Connecticut act of 1845 was the first of eleven successive

statutes passed in that State, at intervals, during the twenty-one years ending in 1866. The following extract from the opinion (by BUTLER, J.) of the Supreme Court of Connecticut, in the case of *Jackson* v. *Hubbard*,* illustrates the gradual course of such legislation, common in the older States. Said the Court: —

"Full and complete protection to married women in their rights of property against creditors of the husband is now the established policy and settled law of the State. That result was obtained gradually and with difficulty, owing to an unwillingness to change the settled rules respecting the rights of the husband at common law. The first act was passed in 1845, and protected [the word "protected" here means, forbade his creditors from seizing, as they could do at common law] the interest of the husband in the real estate of the wife which was hers at the time of the marriage, or accrued to her, by *devise or inheritance*, during coverture. The second, in 1849, protected the personal estate which should thereafter accrue to her during coverture, *by bequest or distribution*, by vesting it in him as trustee for her. The third, in 1850, protected *real estate conveyed to her* during coverture in consideration of money or property acquired by her personal services during coverture, or while abandoned by her husband. The fourth, also in 1850, protected reinvestments of the avails of her real estate when sold. The fifth, in 1853, vested in her, for her sole use, all her property, real and personal, *when abandoned*. A sixth, in 1855, extended the provisions of the act of 1849 to personal property owned by her at the time of her marriage. A seventh, in 1856, extended the provisions of the act of 1849 to patents, copyrights, pensions, and grants and allowances by government. Another, in 1857, extended the provisions of the act of 1849 to property acquired during coverture *by gift*. Another, in 1860, extended the act of 1850, respecting property acquired by her personal services, to reinvestments of the same. And so the law stood when the transaction in question took place, and until 1865, when the provisions of the act of 1845 were extended to real estate acquired during coverture by gift or purchase; and 1866, when those of 1849 were extended and applied to all her personal property, whether acquired before or after marriage: and the policy was fully carried out and completed."

Nevertheless, this policy, thus declared to have been fully carried out and completed, was neither complete nor consistent, except for the special purpose of depriving the husband's creditors of any recourse against all property, the use or enjoyment of which might come to him by the marriage, even though the credit thus gained by him might alone have enabled him to incur his debts. It did not reserve to the wife a separate or independent estate in her own lands, for it left in the husband his common-law estate in them during the coverture, and also his curtesy or life-estate in them if

* 36 Conn. 10.

he survived her after the birth of a child, while during the life of the wife *and of such child*, his creditors could not touch either. It did deprive the husband of his absolute common-law right to all her personal property in possession, by vesting it in him as trustee for her benefit, but still left it in his possession and control: thus again secured against his own creditors. Indeed, the Connecticut law-makers do not seem to have thought it complete; for another statute was passed in 1869, and still another in 1872, and at the general revision of the statutes in 1875, it was again amended. Very pertinent is Mr. Bishop's comment, that "it is almost impossible, while the legislation of a State is progressing thus, that the courts should do much by way of interpretation to render the law stable and known." Nor has this embarrassment of bench and bar been by any means confined to that State.

Resuming the history of the general movement, it is possible here barely to mention the order in which other States followed the example thus set. A volume would be needed to recount the various steps and degrees by which it went forward, year by year.

Between 1846 and 1850, inclusive, the following States began to enact laws changing or setting aside the common-law rules of marital property rights, namely: Vermont, New York, Pennsylvania, North Carolina, Alabama, Tennessee, Wisconsin, and California. Between 1850 and 1860, similar legislation was begun — in some of them boldly, in others very gingerly — in Indiana, Missouri, New Jersey, Oregon, Kansas; followed by Ohio and Illinois in 1861, and by other States successively in subsequent years. In 1869, Congress enacted, for the benefit of married women in the District of Columbia, one of the most radical of the laws on this subject. Under it, a married woman in that District, as to her property, and her power to contract independently of her husband, to sue and be sued, to grant, convey, and devise, has, in effect, all the legal rights and powers of a single woman.

The last State to fall into line was Virginia — noted by Mr. Bishop in 1875 as the only State then adhering to the common-law system without change. But in 1877 Virginia enacted, in substance, that all property, real or personal, which any married woman might own at, or acquire after, her marriage, including property acquired by her as a sole trader, — the law thus enabling her to carry on business on her own account, — shall be her separate property, free from the disposal and debts of her husband,

with power in her to make contracts, sue and be sued, and dispose of her estate by will, as if she were unmarried. Scarcely a vestige of the husband's marital property rights at common law remain, except his estate by the curtesy in her lands, — for which, somehow, so many of these new laws show a conservative regard,— and the requirement that he shall join in any contract in reference to her real or personal property other than what she may acquire as a sole trader; though this last is so far from being an absolute veto-power on his part, that if he refuse to join in a deed for conveying her real estate, she may be empowered to convey it alone by a court of equity, in its discretion.

The latest of these acts which has come to the writer's notice is a short but radical enactment by the last Legislature of Mississippi. If newspaper statements of its provisions may be trusted, — no authentic version of its text being within reach, — its effect is to destroy in that State the last trace of the common-law theory of marital property rights, at least in respect of future marriages, and to make the wife henceforth as absolutely independent of her husband in that regard as if she remained a *feme sole*, without even a recognition of possible dangers to the community or to the domestic welfare of the parties, which other States have sought to guard against.

It appears from the abstract of the statutes of the several States and Territories on this subject in force in 1878, given in Mr. Wells's treatise on the "Separate Property of Married Women," — and which, though condensed to the utmost, and without a word of comment, fill seventy solid octavo pages, — that laws had, up to that date, been enacted in thirty-seven States, in six Territories, and by Congress for the District of Columbia, which more or less, and in some cases entirely, departed from the common-law system of marital rights, by new rules intended for the benefit or protection of married women. In California, indeed, the common law never prevailed, though in 1850 its provisions were adopted to a certain extent; and the same is true of Texas.

In Louisiana, as already stated, the common law never prevailed at all; and its peculiar system, based on the civil, or Roman law, cannot be discussed here. Hardly any two of these numerous enactments agree in their details, even where they have equally departed from the common-law system; and statutes apparently similar have been in some respects differently construed in different

States. But there are certain leading features common to many of them, which may be briefly stated, as indicating the purpose and tendency of this legislation in general:—

1. The property owned by the wife, real and personal, as to the *corpus* or principal thereof, in perhaps most of the States, does not vest in the husband by virtue of the marriage, nor any estate or interest therein, but remains the property of the wife as though she were unmarried, free from the husband's control and from liability for his debts; though in some States the husband's estate at common law is simply clipped of its advantages, in others, he is made her trustee. In nearly all of them she is entitled absolutely to her own earnings; though in some, only if paid to herself; in others, when so ordered by the court, for abandonment or misconduct of her husband.

2. As to the use of this property during the marriage, there is greater discrepancy. In some States, — as, Connecticut, Alabama, Kentucky, Texas, and perhaps others — the husband is still entitled to its management, and to receive its income; in others, the statutes expressly take it away from him; in others, it is a question yet to be determined by the courts how far the common law on this point is repealed by implication.

3. In general, these statutes permit married women to make contracts independently of the husband. But here, again, discrepancies appear: some statutes permitting her the largest liberty, including the power to form business partnerships and to contract directly with her husband, while others permit her to contract with third persons in general, but not to form partnerships, and not at all with her husband. Nevada indicates the true difficulty as to this last point, in providing that husband and wife may contract with each other as if unmarried, subject to the general rules controlling persons occupying relations of trust and confidence.

The well-known rule in equity in such cases is, that whenever the relations between two persons are such that one of them has or may have a controlling influence over the other, and a transaction occurs between them whereby the former is pecuniarily benefited, such transaction is presumptively fraudulent from the mere relation of the parties, and will be set aside in equity unless fraud is disproved. This law adds the relation of husband and wife to the list. It is for the courts to say whether the rule, in such cases, is to work both ways; or whether they will presume that the husband

has overreached the wife, but never that the wife has outwitted the husband. In Minnesota, the peculiar provision exists that husband and wife can make no contract with each other relating to any interest in real estate, nor give to the other a power of attorney to convey such interest; but as to all other matters they are at full liberty to contract as though the marriage did not exist, and the wife may make with third persons any contract which she might make if unmarried.

4. As to the right of the wife to become "a sole trader," — that is, to carry on business on her own account, — important differences exist in the various statutes. In Colorado, for example, that right is given to her without restriction, without regard to her husband's consent, and without notice or publication of any kind. In Kentucky, she must first get authority from the court, on petition to which her husband is a party, public notice also being given, and any creditor may come in and resist; and the court must be satisfied that neither husband nor wife intend thereby to cheat, hinder, or delay creditors. In North Carolina, she must first obtain her husband's written consent. In Massachusetts, she must first file a certificate with the town clerk, stating her husband's name and the place and nature of the business. In California, also, a public declaration must be made. In some States she can be a sole trader only when not residing with her husband — as, while her husband abandons her, or if he is in the penitentiary, or resides in a different State. In Rhode Island, the statute forbids married women to transact business as traders. Such differences indicate the widely discordant views held as to the effect of such a privilege upon the relation of husband and wife, the opportunity and cover for fraud which it affords, and the safeguards necessary both for the individual and the community.

5. In general, these statutes relieve the husband from liability out of his own estate both for the debts of the wife and for damages for "torts" or civil wrongs committed by herself; though there are exceptions to this, growing sometimes out of the language, and again out of the interpretation of the law. In Minnesota, her separate estate is liable for her torts, but the husband is also liable for them. In New York, a statute providing that the wife may "sue and be sued in all matters *having relation to her separate property*, the same as if she were sole," was held not to repeal the husband's common-law liability for civil wrongs committed by her

not relating thereto; and the wife having published a libel, the husband was held responsible in damages jointly with her — whence it would seem that in New York a married woman's tongue is no part of her separate estate.

6. In respect of the common-law prohibition of either husband or wife testifying for or against the other (except as above stated), most of the States have made no change. But in Colorado the wife may testify for or against the husband in any suit growing out of a partnership, either with him or with third persons, of which she is a member. In Maine, either may be a witness in any civil or criminal proceeding, provided the other consent. In one or two other States either may testify, except as to communications passing between themselves when no third person is present.

7. In nearly all the States a married woman can now make a will as if unmarried; though in some, only under certain restrictions—as, if her husband consents, or subject to his curtesy rights, or when abandoned by him. In Colorado, she cannot devise away from her husband, without his written consent, more than half of her property; in Kansas, a similar restriction applies to the husband as well as the wife; in Montana, a devise by her to any church or charitable institution requires his written consent.

These provisions, taken almost at random from the mass of such statutes, illustrate the variety as well as the extent of the legislative experiments under consideration.

But it is characteristic of all these statutes, with a single exception, and that a partial one, that they leave untouched the duty which the common law imposed upon the husband—to support the wife and children out of his own estate. The Nevada statute does provide that if the husband cannot support himself, the wife must support him out of her separate property; and if she becomes a sole trader,—authority for which she must obtain by application to the court, under oath,—she, as well as the husband, is held liable for the maintenance of her children. These provisions seem intended, however, to prevent pauperism quite as much as to cherish domestic relations. With this exception, the husband's duty remains in all cases as at common law; and in those States where the old notion of the unity of husband and wife is most thoroughly exploded, the wife is so far enabled, in virtue not of his voluntary contract, but of positive law, to say to her husband, "What's yours is mine; what's mine is my own." Doubtless, in

some States, the common law theory survives in part, at least, namely, that the husband, who is bound under all circumstances to support his wife, and who, as the head of the family, is entitled to control and direct his expenditures, may fairly claim to add his wife's income and available means to his own for the common benefit: as in Kentucky, where the husband, so long as he lives with and supports the wife, is still entitled to the use and profits of her real estate and chattels, under certain restrictions; or as in Connecticut, where he is made her trustee by statute, with the right to receive and enjoy the income of her estate so long as he takes care of her, but not to dispose of the principal without her written assent; or as in Alabama, where also the law makes him her trustee, entitled to collect and use her income, but not to dispose of the principal except jointly with her, and always liable, on her suit in equity, to be removed from the trust if he becomes, from any cause, unfit to fulfil it. Provisions like these are undeniably improvements on the common law. They preserve its true aim and spirit while restraining its abuses. But they do not represent the general tendency of the new legislation, nor carry out that enlightened policy which, to quote Mr. Bishop's not very friendly description,—

". . . yields to wives the double advantages of matrimony and single bliss, and lifts from the shoulders of their husbands none of the burdens borne when the law gave them compensatory advantages. It remains only [continues that vigorous writer, speaking of the advanced legislation of a particular State] to add a provision compelling every young man to marry instantly the girl who chooses him, and the end of domestic woe will have come. Then she can have—as she can have now, if the man will submit to the marriage—for her sole and separate use, to accumulate till her husband dies [or, Mr. Bishop might have added, if she died before him, to transmit to her children, by way of diminishing at once their dependence on their father and his control over them as they grow up], all that she owned before marriage, all that comes to her afterwards, and all that she can acquire by her labor and skill; and he provides for her house-room, meals, clothing, and the other necessaries of life. If she chooses, she may employ her time with domestic cares; or, if she chooses, she may leave her babes for him to look after and nurse, and her meals for him to prepare with his own, while she engages in business on her separate account, and accumulates money—not a cent of which, or its increase, is she required to appropriate to the support of her family, or even of herself; all must be borne by the husband."

It may be said that this picture is overdrawn, because it is unlikely that any woman would so abuse the privileges which the

law intends solely for her protection. Nevertheless, these are quite within the possible results of such legislation, and by them it is rightfully tested.

It is obvious that the actual significance and tendency of these statutes is to be measured not so much by the immediate effect of this or that provision, or the existence of this or that evil under the old law which it is designed to prevent, as by the extent of its departure from that conception of marriage as a *status*, and of the relation to society and to each other of those who enter into it, upon which the old law was based.

It is not within the scope of this paper, conceding freely that the common law was not, as its disciples once termed it, the perfection of human reason, to announce a scheme for making it such. In the days of the French Directory it was said that the Abbe Sieyès always had a complete Constitution for France in his pocket, brand-new and ready to be promulgated entire; but it is not recorded that any of them were found to work. That some of the modern statutory solutions of our problem ignore its essential conditions, seems clear. If the common law erred in assuming that all husbands will always be provident and unselfish, always the stronger and the wiser, and always gentle in their strength, it is scarcely a better law which would invite every wife to regard and treat her husband's interests as separate and distinct from her own, and increase the temptation to those completely selfish strifes, proverbially bitterest among persons most nearly allied. It can hardly be wholesome or wise for the State to inculcate, by general and positive law, the doctrine that whatever burden the husband may bear, the wife should be privileged and protected from sharing: that she may judiciously postpone family cares and duties to the ventures and anxieties of a sole trader, or prudently relieve the tedium of the domestic partnership by a business alliance with some shrewd capitalist. Certain it is that no legislation can elevate or purify society which even remotely tends to impair the sacred confidence of the marriage relation, or to destroy its unity and peace by suggestions and temptations most adverse to that loving and unselfish spirit which, alike for husband and for wife, converts into blessings even the burdens jointly borne.

THE GERMAN SOCIALIST LAW OF OCTOBER 21, 1878.

BY HENRY W. FARNAM, OF NEW HAVEN.

(Read Thursday, September 9.)

On the 11th of May, 1878, an attempt was made upon the life of the Emperor of Germany. Hödel, the would-be assassin, who had chosen as the scene of his exploit the most crowded street in Berlin, and as the time a pleasant Saturday afternoon, was promptly seized and brought to trial. He turned out to be a young man, under twenty-one years of age, who had begun life outside of the law, who had stolen in his early youth, and whose aimless assault on a venerable soldier of eighty-one was but the fit finish of a vagabond life. The evidence in his trial showed that he had been at one time a member of the Social-Democratic party, but that he had been shortly before expelled, and had since acted as colporteur for the Christian-Social party, in Berlin. Not even the zeal of the Prussian police could ferret out any accomplices. Hödel seemed to have planned and committed the assault on his own responsibility, chiefly from motives of personal vanity. The Socialist party, of course, disclaimed all connection with the attempt.

The Emperor's escape called forth enthusiastic expressions of loyalty from all quarters, mingled with hardly less vigorous denunciations of the wretch who had dared to raise a hand against him, and of the party which, though this time innocent, had not hesitated on other occasions to applaud the use of powder and petroleum in politics. Prince Bismarck took advantage of the excitement, and brought promptly before the Federal Council the draught of a law against the Socialists. This bill was accepted, with some few modifications, almost unanimously (Bremen and Hessen alone opposing), and presented to the German Parliament May 20th. But the Chancellor had overestimated the reactionary wave. The very first article of his bill was rejected by a vote of 251 to 57, May 24th. The Government declared that it considered further deliberation useless, and the same day an imperial order adjourned the Reichstag.

On the 2d of June there was another attack on the Emperor, at the hands, this time, not of an outcast of society, but of a Ph.

D., a man of good family and education. Nobeling had accordingly been scientific in his plans, and, by using a shot-gun and firing from a window, succeeded in wounding his victim. He himself was fully prepared for the consequences, and put a bullet in his own head, as soon as an attempt was made to break into his room and seize him. Soon after reaching the police-station he lost consciousness, and lay until his death, September 10th, in a condition which prevented any thorough examination. The researches of the police failed, as in the previous case, to discover any accomplices.

June 11th Parliament was dissolved, and a new election ordered for July 30th. The new House, which met September 9th, showed a loss to the three liberal (National-Liberal, Liberal and Progressive) parties of forty-one members, and a gain to the two conservative (Conservative and Free-Conservative) parties of thirty-eight. The Socialists lost three. A new bill against the Socialists, which was presented on the first day of the session, was passed, with a few amendments, by a vote of 221 to 149, October 18th, and Parliament was adjourned the same day.

We thus have the strange spectacle of a constitutional legislature, elected by direct and universal suffrage, passing a law against the doctrines of a political party, represented in its own body by nine members, and controlling, even in a period of intense popular prejudice, 117,893 votes, or seven per cent. of the whole number cast. It is this fact that gives the law its peculiar character, and distinguishes it from other suppressive measures, such as the German law of July 4th, 1872, against the Jesuits, or the French law of March 14th, 1872, against the International. We must, therefore, preface our account of the act itself, and of its bearing upon German constitutional rights, with a statement of the present position of the Social-Democratic party in Germany.

I.

The name *Social-Democratic* implies two elements in the doctrines of the party, one economic, the other political. Its political aim has always been a republic, with universal suffrage, and, as far back as 1848, Lassalle declared before the Düsseldorf jury: "I shall always, gentlemen, acknowledge with pleasure that, in my innermost convictions, I stand on decidedly revolutionary ground; that, in my innermost convictions, I have the honor to be a partisan of

the Social-Democratic Republic." And yet, after the settlement of the constitutional contest of 1848–50, and after the withdrawal from Germany of Engels and Marx, the attempts to change the form of government so lost their significance that a doubt has recently arisen as to Lassalle's real position, and Prince Bismarck has even asserted in a speech in Parliament that he was not a Republican at all, but strongly monarchical in his views Republicanism has thus gradually dropped into the background, and the question of universal suffrage, which was one of the chief elements in Lassalle's agitation, has ceased to be an issue since its adoption by the German Empire. So that, although the Socialists are still Democrats, and call loudly in their programmes for a free *Volksstaat*, or Democracy, their political designs have been greatly obscured by issues of more immediate practical significance.

All the more absorbing and interesting are their economic and social teachings, which now form the staple of their agitation, and among which Marx's theory of capital is the most far reaching. By restricting his definition of capital to circulating capital, or capital in the form of general purchasing power, and by the skilful use of abstractions, Marx reaches the conclusion that capital, instead of being, as is usually assumed, the result of saving, or abstinence, is, in reality, formed in the beginning only by forcibly taking from the laborer what he has himself produced. Once formed, capital has the quality of perpetuating its kind by the same process by which it was itself created; thus the profit on capital is simply a part of the product of the laborer's toil, forcibly withheld. The practical corollary of this philosophical explanation of capital is, of course, the demand that the profit on capital be done away with; and, as no individual capitalist would consent to give the use of his property without return, that all capital be put into the hands of the State; consequently, all the means of production which capital commands.

Lassalle adopted Marx's theory *en bloc*, and tried to explain it to the masses in his little book entitled "*Herr Bastiat-Schulze von Delitzsch*." But he also made an original contribution to the Socialist theory, when he developed to the working men of Leipzig the "Iron wage law." The law itself is not Lassalle's discovery; it is simply the law stated by Ricardo, when he says: "The natural price of labor is that price which is necessary to enable the laborers, one with another, to subsist and to perpetuate their race." But

Lassalle invented the name, and that is often of as much importance in practical politics as the principle. He brought the law, moreover, into a very ingenious connection with Marx's theory of capital. For, overlooking the fact that it is entirely based on the operation of Malthus' law of population (as has been well pointed out by President Woolsey), and assuming that it depends upon the competition of laborers for the money which capitalists hold, and the consequent reduction of their wages, he argued that their wages will always remain at the minimum, so long as this competition exists; that is, so long as the capitalist, who possesses the general purchasing power, is able to retain a part of it for himself. In order to secure for the workingman the surplus over and above what is necessary for the support of life, the total product must be divided among the producers; that is, capital must cease to be held by private individuals. This proposition, which Marx based mainly on a philosophical theory, was thus buttressed up by considerations of practical utility.

Lassalle's plan for productive associations, founded on the credit of the State, which he brought forward as a temporary expedient, is now discarded by his followers. But his general demand for the abolition of the wage-system has been for many years one of the chief planks in the economic part of the Socialist platform.

In religion the Social-Democracy is, generally speaking, infidel. It has usually avoided the religious question from motives of policy, and its only official utterance on the subject was given at the congress of 1872, in Mayence, when members were advised to formally leave the church, inasmuch as they had practically broken with all religion by accepting the Socialist programme. This point has not been brought up in convention since, but the agitation (started two years ago) in favor of a general withdrawal from the Church leaves no doubt about the sentiments of the leaders of the party.

The exaggeration which characterizes all the views of the Socialists makes their position comparatively isolated. The line between them and all other political parties is broad and unmistakable. And yet the fact that their demands and theories and, above all, their criticisms extend over so wide a field, gives them a large amount of indirect support from various quarters. The members of a large and influential association of economists have even received the nickname "Kathedersocialisten," or "Professorial

Socialists," from their willingness to admit the justice of the Socialist criticisms upon the extreme individualism of the Manchester school, and from their efforts in favor of greater activity of the State in industrial matters. The association is, in point of fact, far from socialistic. The measures it has advocated during the eight years of its existence, such as the encouragement of trades-unions, the restriction of female and child labor, the regulation of employers' liability for accidents, etc., have, generally speaking, not only kept within the traditional bounds of governmental activity in Germany, but have even been borrowed in many cases from that home of industrial freedom, England. But the desire of this new school to regard all institutions in the light of history, and their acknowledgment that every form of industrial organization has only a relative justification, so that what is beneficial at one epoch may be most disastrous at another, have done much to mitigate the holy horror that the ordinary Philistine has of everything bearing the name Socialist. The practical application of these principles by some members of the extreme left, with regard to the railroad and land questions, has done still more towards popularizing some of the Socialist teachings.

More recently the Social-Democrats have received an unexpected ally in the Christian-Social Workingmen's party. This party, unlike the Professorial Socialists, is really and professedly socialistic. It aims not only generally at the welfare of the proletarian, but it aims at it through a revolution in the present industrial system, a revolution which would end by placing the most important means of production in the hands of the State. It acknowledges that it wishes to counteract Socialism by meeting it half way. What chiefly distinguishes it from the genuine Socialist party is its religious and monarchical basis. It was founded and is managed by clergymen, who hope by this means to bring back the masses to the fold of the Church and to a reconciliation with the Monarchy *Dei gratia*. The party has had all kinds of ill luck. As one of the first effects of its agitation, the Socialists started a counter-agitation in favor of leaving the Church *en masse*. The party had hardly been in existence six months, before the first attempt was made on the Emperor's life by a man who had worked in its employ. The public meetings held by the party have been so tumultuous, and the efforts of the well-meaning

and really eloquent minister who stands at its head have met with so much insult and abuse, that this means of making converts has had to be abandoned.*

Yet in spite of the ridicule cast upon the movement, its official organ has appeared regularly for nearly three years, its leader, Dr. Stöcker, has retained his position as preacher to the court, and even the Socialist Law has spared the publications and meetings of the State Socialists. The belief in Berlin is general, that the organization derives both encouragement and pecuniary support from people who stand very near the throne.

It is hardly necessary to mention among the props of Socialism the general freedom of philosophical and religious thought throughout the educated world, and especially in Germany. The levelling effect that the evolution theory has had on old prejudices has undoubtedly encouraged speculation on social topics, and speculation on the part of untrained minds is very liable to result in grotesque and extreme conclusions, especially in sciences in which theories cannot be readily subjected to the test of practical application.

A factor of more immediate and especial moment in the growth of Socialism has been the industrial development of this century, with its accompanying legislation. The comparatively late period at which production on a large scale and by steam power was introduced into Germany, and the tardiness of the German states that did not come under the direct influence of Napoleon to abolish the guilds, made the change sudden and violent. The removal of the vexatious restrictions put upon change of domicile; the introduction of general freedom of trade and of the press; followed, at a comparatively short interval, by a complete change in the political equilibrium of Germany, and the creation of a real Fatherland with a metropolis as its capital, set people in motion, and induced the peasantry to flock in large numbers into the cities. The introduction of universal suffrage made it easier for ambitious men to become leaders of the people. In short, the whole liberal legislation of the last thirty years, and in particular of the last fifteen, has assisted the growth of a popular radical party. Finally the

* At the time of going to press the meetings have been resumed, but have been principally used to further the Anti-Jewish agitation, of which Dr. Stöcker is one of the chief promoters.

sudden speculative fever after the payment of the French war indemnity, followed by the crisis of 1873, gave a sudden and great impetus to a party which had almost died out in consequence of its unpatriotic action during the conflict of the years 1870–71.

These are some of the external causes of the growth and power of the Social-Democratic party. The greatest element of strength it has had in itself has, undoubtedly, been its organization. This party has arisen, we must remember, not in consequence of a division of public opinion on some important political question of the day; on the contrary, it has grown directly out of a number of workingmen's societies, which decided, on the basis of questions spontaneously brought forward by themselves, to turn themselves into a political party.

The first of these was the General Workingmen's Association, founded in May, 1863, by Lassalle. It was distinguished at the outset by being an opponent of the Progressive party. The chief objects for which it strove were universal suffrage and productive associations based on the credit of the State. Lassalle died the year after its formation, but the society, which had grown but slowly at first, flourished under the skilled leadership of Schweitzer. It was characterized throughout its career by its devotion to national interests and by its centralized organization, both legacies of Lassalle.

In 1863 another organization was formed, called the Federation of German Workingmen's Associations. This was at first led in the interest of the Progressive party, and opposed Lassalle. But as it advanced, it came more and more under the influence of Marx's teachings. Its governing board declared itself in 1866 opposed to the Progressive party, and at the congress of 1868 it formally gave its assent to the doctrines of the Internationale. Bebel and Liebknecht, who were now the leaders of the Federation, called a general convention of Socialists to meet in Eisenach in August, 1869, chiefly with a view to destroying Schweitzer's influence in the General Workingmen's Association. They failed in this, but they succeeded in detaching a number of his followers, and in forming with them the German Social-Democratic party. The other Lassalleans continued their separate organization until the Gotha convention of 1875, at which they too joined the ranks of the Socialist party.

This origin of the Social-Democratic party has left its marks

plainly upon the organization. The whole party forms, as it were, one society, which does not merely meet before elections, but is in constant activity. Its members pay a monthly tax of two and one-half cents; its officers are constantly at their post. The highest authority is the annual congress. The running administration is carried on by a board of five, chosen by the members residing in the place which the congress has designated as the party headquarters. This board is subject to the supervision of a committee of eleven, similarly elected in some other town; it must open its books for their inspection, and is liable to be suspended by them, either in whole or in part. The third and greatest power in the party is the official organ, which is under the superintendence of the governing board. At the passage of the Socialist Law its location was at Leipzig, its editor Liebknecht. As the laws in most German states prohibit political societies with branches, as well as federations of local societies, the Social-Democratic party can not have a permanent organization for its branches. The manner in which it evades these provisions is, however, a source of strength rather than of weakness. It appoints for each town in which any of its members reside a confidential agent, who is expected to call a meeting of the members once a week; he is responsible for the necessary declaration to the police, who cannot forbid such a meeting, if notification is given twenty-four hours beforehand. The officers must be chosen anew each time, as there can be no permanent organization. The result is obvious. Back of the apparently unorganized band of Socialists there stands the confidential agent as the representative of the governing board, and thus a centralization is given to the party, which a more liberal government policy would probably destroy.

With the aid of constant agitation carried on under this organization, and favored by the financial distress of the country, the principles which seemed so thoroughly discredited in 1870 have made rapid strides. The party's representation in Parliament, which numbered two in 1871 and nine in 1874, rose to twelve after the elections of 1877, backed by a vote of 493,288 on the first ballot or nine per cent. of the whole number. In 1877–78, forty-four political newspapers, one illustrated journal, a monthly and a semi-monthly scientific review, two comic papers and fourteen trades-union publications assisted the official organ, "Vorwärts," in the work of making converts. Fifty editors, of whom twelve

had had a literary education, gave their time to the cause. The subscriptions to the "Vorwärts" were soon after its foundation 12,000, to the other papers, together, over 100,000. At the elections of 1877, the income of the Central Campaign Committee amounted in eight and a-half months, to 54,217 marks, or in round numbers $13,500, and this sum was not a quarter, as the Socialists affirm, of what was spent on local objects. 1,346,145 campaign documents were distributed, generally gratis. As far back as 1876 the party claimed to have at its disposal over one hundred and forty-five trained and experienced speakers.

Such were the principles, the position and the strength of the Social-Democratic party, when two of its adherents conceived the insane idea of assassinating the Emperor of Germany.

II.

There is no doubt that the elections of July, 1878, reflected the popular feeling of the time. Many who sympathized more or less with theoretical Socialism, had long been disgusted with the coarseness, the abuse, the blasphemy, with which the practical agitation was carried on, and many sober-minded men felt that the attempts on the Emperor's life, though not directly traceable to the Social-Democratic party, were in great part due to the general demoralization which the Socialists fostered. There was a general feeling that the party ought to be put down; there was doubt only as to the means of doing it. The most practical method seemed to consist in preventing the spread of Socialist doctrines, by cutting off the means commonly employed to circulate them. The Socialists made their influence felt, as we have seen, through their organization as a society, through public meetings, through the circulation of printed matter, and through the collection of money. It was therefore decided to prohibit these four aids to proselytism. Finally, to provide against all contingencies (for it must be remembered that, at the time, the average voter scented an infernal machine under every paving-stone), the extraordinary power was conferred upon the State governments of proclaiming something like martial law, for a definite period, in places that seemed especially exposed to danger.

Let us examine the law in detail. Article I. says, that "Associations which, by means of social-democratic, socialistic or communistic designs, aim at the overthrow of the existing order of

State or of Society, are to be prohibited." The same prohibition applies to associations in which the designs just mentioned, though not the object of the society, appear in such a way as to "endanger the public peace, in particular the harmony of the different classes of the population." That is, if any association (an insurance company, for instance, or a bank, or a coöperative store) occupies itself with socialist principles in such a way as to disturb the public peace, it must be prohibited. The same applies to registered coöperative associations and to registered associations for mutual assistance, with the provision that the especial laws (of July 4th, 1868, and April 7th, 1876,) which regulate the closing of such societies, remain in force, and give them the benefit of a less summary procedure. Independent beneficial associations are not to be closed at once, but put under the supervision of the State, unless a persistent desire to violate the law makes a dissolution necessary. The property of such an association is to be used, after payment of its liabilities, as its constitution or as the general principles of law may determine.

The interpretation put by the police authorities upon the phrases *social-democratic designs aimed at the overthrow of the existing order of the State or of Society* and *endanger the public peace*, has been a wide one. The mere fact that Social-Democrats stand at the head of a coöperative association, or a society for mutual assistance, is considered — it has been asserted in Parliament — sufficient proof that the society in question aims at the overthrow of State or Society.

With regard to meetings (in which are included public celebrations and funeral processions) the law is brief. It makes the simple distinction between those that are and those that are to be. The former are to be dissolved, if social-democratic, socialistic and communistic designs, aimed at the overthrow of the existing order of State or of Society, appear in them; the latter are to be forbidden, if there are facts which make it probable that they are intended to further such designs. An amendment to the Government's bill, excepting from this prohibition meetings held to consider elections for the Parliament or State Legislatures, was lost.

Printed matter which furthers the social-democratic designs mentioned above is to be prohibited, and, if the publication is periodical, even its future issues may be forbidden, after the seizure of one number is confirmed. Such prohibition must be sent with reasons

annexed to the publisher, and, in the case of non-periodical publications, to the author as well. All the copies found in the place of issue are to be seized (if necessary, also the plates, dies, etc.,) and to be made unfit for use, as soon as the prohibition is final. Such prints, plates and dies may even be seized temporarily by the police, before any prohibition has been issued, but must be surrendered, if this is not ordered within a week. A liberal use of this power has been made by the police authorities throughout Germany. No less than 533 publications had been seized from the passage of the law till June, 1880.

Collections of money made for the purpose of furthering the social-democractic designs mentioned above are to be prohibited by an order of the police. This clause has been interpreted by the lower magistrates as applying to collections made to assist the destitute families of Socialists expelled from Berlin, but this view is not sustained by the superior authorities.

Those who violate the police orders issued in pursuance of the law are liable to punishment according to the case, the fines running as high as 1,000 marks, and the imprisonment up to one year. A knowledge of such police orders is not made a condition of the punishment. It is sufficient that the order be published; ignorance of it is regarded as culpable negligence. In the case of illegal collections, the money so raised is to be forfeited to the fund for the poor of the town in which the collection was made. Especial and severe punishments are meted out to those who, as the law has it, make a business of socialistic agitation. This applies particularly to innkeepers, retail dealers in liquors, printers, booksellers and owners of circulating libraries and reading rooms, who may be forbidden by a court to carry on their business, in case they couple socialistic agitation with it and are liable to a fine of 1,000 marks, or six months inprisonment, for disregarding such an injunction. Persons who make it their business to circulate socialist publications, or who have been condemned for contravention of the law, may be forbidden to sell publications by the police alone, without the intervention of a court.

The organs for executing this part of the law are the police authorities of the several states and, in the case of foreign societies or publications, the Chancellor of the Empire.

An appeal can be made, in case the prohibition is directed against a meeting or a collection, only to the superior police authority of

the particular state; in the case of publications and societies, a special commission of the Empire is established to receive and act upon all complaints. This commission consists of four members of the Federal Council and five judges of the highest courts, all appointed by the Emperor. It has the right of summoning witnesses and taking testimony like any court, and its members are not bound by the instructions of their respective governments. The object of this commission was to introduce greater uniformity and more ample protection against mistakes of the police in what seemed especially important cases.

The law closes with a general provision against schemes that threaten a more immediate danger than the four means of influencing public opinion treated of thus far. Wherever the intrigues of Socialists promise to endanger the public peace, the cabinet of a state may, with the consent of the Federal Council, decree any of the following measures, to last for not more than one year, and to apply to a restricted territory: That meetings, with the exception of election meetings, shall be held only with the permission of the police; That the sale of printed publications shall not be allowed in public places; That dangerous persons shall be removed from a given district or place; That the possession, the carriage, the importation and the sale of weapons shall be prohibited, limited, or attached to certain conditions. A report concerning such orders must at once be made to the Parliament. The penalty for their violation may be one thousand marks fine, or six months imprisonment. In accordance with this article the Prussian ministry issued, on Nov. 28th, 1878, an order allowing the police authorities to banish from Berlin and certain places in its neighborhood persons from whom a disturbance of public order might be feared; prohibiting the carriage of weapons in those places, except in certain well defined cases; and forbidding the possession, importation and sale of explosive missiles. This order was renewed, Nov. 28th, 1879, and has caused the removal from Berlin of over one hundred persons.*

The Socialist law was originally passed for three years. The law of May 31st, 1880, extended its time to Sept. 30th, 1884, and

* More recently a similar order has been issued, dated Oct. 28th, 1880, for the territory of the city of Hamburg, in consequence of which a number of expelled Socialists have taken refuge in this country.

added an amendment, protecting from its operation members of the Parliament and State Legislatures. The Berlin police had actually gone so far as to arrest certain Socialist members of Parliament, and to turn them out of the city as dangerous persons, when they came to the capital to perform their legislative duties.

III.

So far the law itself. Let us now inquire how it stands related to the previous legislation and policy of Germany. It strikes its first blow, as we have seen, at associations and meetings. This is a subject-matter which is put into the hands of the Empire by the constitution, but on which no general law has as yet been passed. If we take, therefore, the Prussian law of March 11th, 1880, concerning meetings and associations, as fairly representing the policy of the greater part of Germany, we find that no meeting or society can be prohibited by the police, if the formalities of the law are complied with. All public meetings must be announced to the police twenty-four hours before they are to be held, and any society which occupies itself with public affairs must file a copy of its constitution and a list of its members with the police within three days after its formation; all changes in constitution or membership must be similarly announced. The police authorities are entitled to be represented by two agents in all public assemblies; but they have not the right to dissolve such a meeting, except under three conditions: 1. Failure to give the required notification; 2. Presentation of motions which invite or incite to criminal acts; 3. Presence of armed persons who refuse to withdraw at the demand of the police. Similar principles apply to public associations, which are subject to two further restrictions: 1. No women, pupils or apprentices can belong to political societies; 2. Such societies cannot combine or have branches. These are the principles commonly recognized in Germany.

Now the Socialist Law breaks through all the bulwarks which formerly protected meetings and political associations. It gives the police authorities power to forbid meetings "concerning which the supposition is justified by facts that they are to be used to further the designs mentioned in section 1," viz: "Social-democratic, socialistic or communistic designs aimed at the overthrow of the existing order of State or of Society." What facts are sufficient to justify this suspicion is nowhere stated, but it is

evident that very slender facts will suffice, that practically no facts at all are necessary; for even supposing a prohibition were in plain violation of the law, and as such were reversed by the superior authority, and the meeting allowed, in most cases the occasion for holding the meeting would have passed, the permission would be nugatory. Associations cannot be broken up quite so easily, but in many cases societies which pursued purely business or charitable objects have been dissolved, simply because their officers were Socialists, when there was no proof that they were used for political purposes.

The breach that the Socialist Law makes in the hitherto prevailing policy with regard to the press is even more striking than its violation of the right of free association, because there is a law of the Empire on the subject, which, therefore, has uniform validity for all German states. This law (of May 7th, 1874,) expressly says that neither the administration nor the courts can deprive any one of the right of carrying on any part of the publishing business. The law confines itself strictly to provisions for securing a fair amount of publicity, in order that, in the case of criminal publications, there may be no difficulty in finding the responsible person. For that reason the name of the publisher and printer must be put on all printed matter intended for public circulation, and periodical publications must contain, moreover, the name of the responsible editor. A copy of each number of such periodical publications must also be sent to the police authorities, as soon as issued. Publishers of periodicals are obliged to insert corrections of misstatements made by them, and are forbidden to print certain pieces of information (such as news concerning the movements of troops in time of war, or the indictment in a criminal trial before it has been made public by the courts, etc.), which might endanger the public safety or the free action of the courts. Publications issued in Germany may be temporarily seized, without the order of a court, only when they violate the formal requirements of publicity, or publish dangerous information in times of war, or violate the provisions of the criminal law with regard to treason, insulting the Sovereign, exciting a riot, or circulating obscene literature. And even in these cases the temporary prohibition must be confirmed by a court within forty-eight hours, and the publications must be returned, if this confirmation is not made within five days. Future issues can be forbidden only in the case of foreign periodicals.

Since the Socialist Law, all the guarantees previously provided for the freedom of the press have vanished. A temporary seizure, instead of being carefully guarded by certain strict conditions, is now possible on the vaguest grounds of mere suspicion; the time within which a seizure must be confirmed is not forty-eight hours, but a week; it is not a court which decides, whether a publication endangers the public peace or not, but the superior police officer; and an appeal from his decision must be heard by a semi-political commission, which had, in point of fact, annulled only four prohibitions down to April, 1880. And even this protection is of comparatively slight value in real life, because the appeal does not delay the execution of the order, and, by the time a final decision is reached, the publication will frequently have lost all significance. Thus, when a policeman seized a bundle of printed ballots, which were to be used at an election, on the ground that they were a social-democratic publication, aimed at the overthrow of State and Society, his superiors decided that his interpretation of the law was erroneous, and ordered the ballots returned. Meanwhile the election was over.

Finally, article 28 of the Socialist Law, which provides for a general suspension of individual rights, and allows the cabinet of a state to declare what almost amounts to martial law, in time of peace, deviates more from previous legislation than perhaps any other section. The law which has hitherto regulated this matter (the Prussian law of June 4th, 1851,) allows explicitly the proclamation of martial law only in times of war or riot. The Socialist Law permits the police authorities to turn peaceful citizens from their homes, and to deprive them of their means of livelihood, without even providing for an appeal from the order, or establishing any remedy against mistake or malice.

But the Socialist Law not only reverses the previous specific legislation of Germany, it breaks most decidedly with the whole policy pursued for many years by the North German Confederation and the Empire. Article 77 of the Constitution determines that, in case of a refusal of justice in a state, the Federal Council is to receive the complaint and negotiate the remedy. That is, the Empire represents the cause of individual rights over against the arbitrary action of the police. It was the North German Confederation which introduced universal suffrage; it was the Empire which made the prosecution of public officials possible by removing

the trial from the jurisdiction of administrative organs and putting it into the hands of real courts; it was the Empire which deprived the State attorneys of the monopoly of criminal prosecutions, and allowed the injured person to plead his claim for an action before a regular court; it was the North German Confederation which allowed coalitions and associations of artisans for trade purposes; in short, the Empire has always represented the cause of personal liberty and legal guarantees. The Socialist Law marks a departure (whether permanent or not, can only be decided after the next elections), but a very decided departure, from the policy hitherto recognized.

Observe another interesting feature of this law. It has been customary in Germany, as in France and in our own states, to lay down at the beginning of a new constitution certain fundamental rights, inherent in every citizen, which cannot be taken from him, except in the most extreme cases of public danger. Among these are the rights of personal liberty, of free association, of free expression of opinion, inviolability of the dwelling, etc. When the constitution of the German Empire was formed, it was thought, and with a good deal of justice, that these various rights were, of necessity, so vaguely expressed as to be almost meaningless, until precisely interpreted by specific laws. It was, therefore, thought more practical to leave them out altogether. It cannot, however, be said that they were for that reason disowned or abolished. On the contrary. Inasmuch as the Empire was formed by treaties between the several constitutional states, it must be held that the various rights enjoyed by those states and their subjects remained intact, except where modified by the express utterances of the Constitution, and that, therefore, these fundamental rights, so far as guaranteed by the several states, were tacitly recognized by the Empire, though the Empire is not bound to regard them. The Socialist Law takes full advantage of the omission of the fundamental rights from the Constitution. Freedom of the press and of association, and freedom from domiciliary visits are practically at an end in Germany, and the constitutions which were brought into existence with so much labor in 1848–50 have all been broken through. The absolutism of the Empire has taken one step in advance.

How little individual rights are respected is well illustrated by the treatment to which a German student was subjected last

year. The case was somewhat aggravated by the anomalous condition of the administrative law in Alsace, where it occurred, but is nevertheless significant. The student was visited early in the morning by agents of the police, not in uniform, who said they wished to search his lodgings for forbidden publications. They had no order from any court, and were therefore, even technically, in the wrong. The student consequently refused to give up his keys. A locksmith was called, and his desk opened. The agents took away what private papers, letters, etc., they wished, also a number of books, some of them the property of the university library. Nothing further was done for the time being, but the student began to miss his regular family letters. Upon inquiry at the post-office, he was told that he could get them by applying to the police. For weeks all his letters were opened, before he received them. For months he was deprived of the books which he needed, in order to prosecute his studies. He was forbidden to leave town for a vacation trip he had planned. Finally the matter was dropped, the prosecution fell for want of evidence. If we ask what it was that first fastened suspicion upon him, the answer is simple. His family happened to be scattered at that time, his parents living in Vienna, his brother in Paris, and his sister in Rome. He therefore received regular letters from three capitals. This was in itself serious, but there was more. He was so unfortunate as to have a birthday, and to receive, simultaneously, congratulatory telegrams from three capitals. The zeal of the police authorities needed nothing more; it was evident that in a case like this they must act promptly and with energy. Hence the domiciliary visit, the interception of letters, the confiscation of books. The whole affair was a case of gross stupidity. But what redress did the victim have? He might have applied for permission to prosecute the police officer acting contrary to the law, but he was advised, both by his attorney and by his friends in the faculty, to do nothing, on the ground that, before his application could be acted upon, he would be turned out of the city, and that, whatever the ultimate result, his studies would be completely broken up.

This particular case has been brought up, because the sufferer happened to be one of the author's acquaintance. The proceedings of the Parliament furnish a good collection of similar ones, which show very conclusively, how far the German states are able to protect the so-called fundamental rights, guaranteed in their constitutions.

The time at our disposal does not allow us to discuss the political justification of this measure, but a suggestion as to its real nature and intent may not be out of place. The law is not an abnormal excrescence of legislation, passed under exceptional circumstances, nor is it simply a result of the returning strength of the reactionary parties in German politics. It is exceptional, in having been called forth by the attempts on the Emperor's life, and reactionary, in having been passed by conservative votes; but it is, nevertheless, Prince Bismarck's measure, and fully in accord with his recent policy. We have seen that its two most salient features are its encroachments upon the rights of individuals and its inroads upon the state constitutions. These same marks are found in other important moves of the Chancellor, such as his plan for introducing the tobacco monopoly, his constant attempts to bring the railroads under the control of the Empire, and his more recent endeavors to deprive Hamburg of its exemption from custom duties; and the tendency of all these measures, strange as it may seem, is, to a certain degree, socialistic. They all portend that widening of the power of the state at the expense of the individual which the Socialists uphold, and the Liberals universally condemn. Thus we find that the Government is fighting the Socialists with a weapon borrowed from their own arsenal. The Social-Democratic party has gained rather than lost in the last two years, but whatever its ultimate fate, it must be said that the blow against the Socialists marks a decided advance in the spread of socialist ideas.

IV. THE STUDY OF ANATOMY, HISTORICALLY AND LEGALLY CONSIDERED.

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(Read Thursday, September 9.)

PART FIRST.

"Practised architects, before they venture in thought to build a new edifice, to strengthen an old one, or restore a ruined one, first consider carefully and examine closely all the minute parts of such structures. So, physicians, indeed, before they endeavor to care for the human body and preserve it from the diseases which threaten it, ought to know very accurately, and to a nicety, all the parts of that body. Anatomy, the eye of medicine, furnishes such knowledge. Verily, the beginnings, the foundations, and the sources of origin of the medical art are, without the light and vision of anatomy, shrouded in thick darkness; wherefore, it is not inaptly called by Johannes Montanus, the alphabet of medicine." So wrote Rolfincius, in his "Dissertationes Anatomicæ," published at Nuremberg, in 1656.

When we of today seek the origin of this "alphabet of medicine," we turn to the East, whence we are accustomed to derive the beginnings of all our arts; but we find the history of ancient anatomy to be almost a blank page. Priest, and law-giver, and people were all averse to anything like the dissection of the human body. The Egyptians, Hebrews, Greeks, Romans, and Arabs, alike regarded with abhorrence the mutilation of the dead. There is abundant proof of this in their laws and customs touching burial and defilement.

It is said that Democritus, of Abdera (460 B. C.), the friend of Hippocrates, was the first to dissect the human body. However that may be, it is as the Laughing Philosopher, and not as the Father of Anatomy, that he has influenced mankind. It was in what we fondly call "Egyptian darkness," and through the favor of an enlightened despot, that the first school of anatomy was founded at Alexandria, three hundred years before Christ, by Ptolemy Soter. "Braving," says Bouchut, "all prejudices, and considering that the interests of science ought always to outweigh

those of the individual, Ptolemy authorized the dissection of human dead bodies, and himself set the example by beginning to dissect with the physicians gathered around him." Herophilus, and Erasistratus, his pupil, made the school of Alexandria famous and influential; their contributions to anatomy were genuine and considerable. No name worthy of mention, beside theirs, is to be found in the history of anatomy, until we come to that of Mondino, Professor at Bologna, who first publicly dissected in Europe, early in the fourteenth century. Yet, in the interval between the decadence of the Alexandrian school, which followed hard upon the death of its founders, and the rise of the Italian schools of anatomy, Aristotle, Galen, Celsus, and the Arabists, lived and wrote. George Henry Lewes declares that "Aristotle has given no single anatomical description of the least value." Daremberg, Galen's editor and translator, who says he has repeated every one of Galen's dissections, is convinced that he used only the lower animals. Celsus expressed himself as a disbeliever in the utility of human dissection. The medicine and surgery taught by the Arabs, at least so far as its anatomy was concerned, was borrowed from the Greeks.

Previously to the rise of human anatomy in Italy, Galenism, founded on the dissection of the lower animals, notably the ape, dominated the known medical world. Galen had written his "De Usu Partium Animalium," as a prose hymn to the Deity. The hierarchy commended his system, which was upheld as scientific orthodoxy, alike by political and religious authority; all research capable of contradicting his views, was condemned. The first Italian anatomists were quite content to expound Galen. One of the Arabists, Abdollaliph, criticised the slavish dependence of his contemporaries on books. He commended those who, like himself, repaired to burial grounds to study the bones of the dead; but he seems never to have dreamed that anything could be learned from a like scrutiny of the soft parts.

Galenism died hard, even in Italy where it was first attacked. How tenacious it was of life is well shown by Malpighi, who was born in 1628, the year that Harvey first published his "Essay on the Motion of the Heart and Blood." Harvey never saw the passage of the blood through the capillaries; Malpighi discovered those vessels and first demonstrated the flow of blood from the arteries into the veins. Malpighi writes: "In the meantime,

contentions being raised among studious men, especially the younger, both practical and theoretical, and the new doctrines growing daily into more credit, the senior professors of Bologna were inflamed to such a pitch, that, in order to root out heretical innovations in philosophy and physic, they endeavored to pass a law whereby every graduate should be obliged to take the following additional clause to his solemn oath on taking his degree, viz: 'You shall likewise swear that you will preserve and defend the doctrine taught in the University of Bologna, namely, that of Hippocrates, Aristotle, and Galen, which has now been approved of for so many ages; and that you will not permit their principles and conclusions to be overturned by any person, as far as in you lies.'" "But," says Malpighi, "this was dropped and the liberty of philosophizing remains to this day."

It is stated that practical anatomy was taught at Padua, as early as 1151; and also, that in the code made for Sicily, by Frederic II., who died in 1250, there was a law which forbade any one to practice surgery unless he had been instructed previously in anatomy. The statement is also made that public courses in human anatomy were given during his reign; though no documents are cited to substantiate it. There is no dispute, however, that Mondino publicly dissected two subjects as early as 1315; and some writers give 1308 as the date.

We find many bulls of Popes and canons of Councils regarding the study and practice of physic and surgery by monks, from the time of the Council of Laodicea, in 366 A. D., when the priesthood were forbidden to study enchantment, mathematics, and astrology, and the binding of the soul by amulets, till 1215, when Pope Innocent III. is said to have fulminated an anathema against bloody operations in surgery. Although these utterances of the Church are interesting, we pass them by as being outside the scope of this paper.

The edict of Boniface VIII., however, published in 1300, affected the progress of practical anatomy, and is worthy of note. In 1299, Pope Boniface VIII. forbade, under pain of excommunication, any one to boil, cut up, or dry the bodies of the dead. Such an act he characterized as barbarous and abhorrent to Christian piety. Raynaldus, in whose "Annales Ecclesiastici, Lucae, 1749," the edict of Boniface is found, says that such customs "had prevailed in regard to those who, having undertaken a

pilgrimage to the East, died in foreign parts; and in order that their bones might be freed from flesh, and so easily carried about without the fear of corruption. And yet we know," he adds, "that the body of Saint Luke was boiled by his friends." It is hardly probable that Pope Boniface directed this edict primarily against anatomy. Edward I., of England, directed that the flesh should be boiled from his bones and that they should be carried to battle in a bag by his successor, in order to terrify his enemies. The story of Douglas and the heart of Robert Bruce is familiar to all. It is quite likely that Boniface launched his anathema in order to restrain such practices as these; nevertheless, his edict proved an obstacle to anatomical studies. Mondino apologizes for not making the most exact study of the bones of the skull, saying: "the bones beneath the basilar bone are not to be clearly distinguished, unless they be boiled; a sin which I have been accustomed to shun." Hyrtl, the famous German anatomist, holds that the edict of Boniface was in force till 1556, when the Emperor Charles the Fifth, the patron of Vesalius, ordered the question to be put to the theologians of the University of Salamanca, "Whether or not it could be allowed, without violating one's conscience and incurring the suspicion of criminality, to cut up human dead bodies?" "*Et respondisse Universitatem, Licere,*" says Rolfincius, quoting a still earlier writer.

That dissection was not universally banned by the Church before the Divines of Salamanca pronounced it lawful, may be seen from the action of Pope Sixtus IV., in 1482. In that year, in a letter addressed to the rector, doctors, and students of the University of Tübingen, Sixtus granted a special and full dispensation to those who should receive the cadavera of certain malefactors executed for capital crimes in accordance with the civil law: "*per justitiam secularem,*" is the phrase in the original. They were given permission to dissect and dismember these dead bodies, inasmuch as they desired thereby to render themselves learned and skilful in the art of medicine, provided they would bury in the customary manner such condemned men after they should be dissected and dismembered.

It is claimed that in Prague, as early as the foundation of the University in 1348, the executioners were enjoined to deliver the cadavera of malefactors to the school of medicine. Duke Albrecht IV. imported an Italian anatomist, named Galeazzo, to introduce

the art of dissection into Vienna; where the first anatomical demonstrations before the medical faculty were made in 1404.

In France, as early as 1376, Louis of Anjou permitted the surgeons of Montpellier to take the body of an executed criminal annually for dissection. Charles the Bad, King of Navarre and Lord of Montpellier, ratified this grant in 1377; as did King Charles VI. in 1396; and King Charles VIII. in 1484, and again in 1496. A similar grant was made in Scotland in 1505, as we learn from the following extract taken from the Charter, given by the Town Council of Edinburgh to the Surgeons' Company, July 1, 1505, and ratified by King James IV. in the following year: "And als that everie man that is to be maid frieman and maister amangis ws be examit and previt in thir poyntis following THATT IS TO SAY That he knaw anatomea nature and complexioun of every member In manis bodie And in lyke wayes he knaw all the vaynis of the samyn thatt he may mak flewbothomea in dew tyme. . . . And that we may have anis in the yeir ane condampnit man after he be deid to mak anatomea of quhairthrow we may haf experience Ilk ane to instruct others And we sall do suffrage for the soule." By Act of Parliament, 32 Henry VIII., cap. 42, in 1540, it was granted to the Barber-Surgeons of London to take "yearly forever . . . four persons condemned adjudged and put to Death for Felony by the due Order of the King's Highness, . . . and to make Incision of the same dead Bodies, or otherwise to order the same after their said Discretions at their pleasures, for their further and better Knowledge, Instruction, Insight, Learning, and Experience in the said Science or Faculty of Surgery."

Vesalius, a Fleming, born in 1514, did more than all his predecessors to overthrow Galenism and place medicine upon a rational basis, and well deserves his title of the Father of Modern Anatomy. Yet, despite the concessions we have noticed made by prelates, kings and parliaments to the early anatomists, Vesalius and his students were obliged, in the words of Hallam, "to prowl by night in charnel-houses, to dig up the dead from the grave; they climbed the gibbet in fear and silence to steal the mouldering carcass of the murderer at the risk of ignominious punishment and the secret stings of superstitious remorse." Vesalius began to dissect while a youth in his teens. For a time he studied under the famous French anatomist, Jacques Du Bois, who demonstrated

the anatomy of Galen on the carcasses of dogs. But Vesalius forsook Paris for Italy, drawn thither by the reputation of the schools whence Leonardo da Vinci and Michael Angelo derived their knowledge of human anatomy. Before he was twenty-eight, as has been well said, "Vesalius discovered a new world," and held at one time the professorship of anatomy in the universities of Pisa, Padua and Bologna. He died the victim of the Spanish Inquisition. His inspection, with the consent of the relatives, of the body of a Spanish grandee, whose heart feebly contracted under the knife, brought him before the Inquisition, and would have led him to the stake but for the intercession of the King. Compelled to journey to Jerusalem by way of penance, Vesalius was shipwrecked, in 1564, on the island of Zante. It is said that he there starved to death, and that unless a liberal goldsmith had defrayed the funeral charges, the remains of the greatest anatomist the world had seen would have been devoured by birds of prey.

The Italian schools under Vesalius and his successors, Fallopius, Columbus and Fabricius, exerted a wide and potent influence upon European medicine. This influence was sooner felt and more marked in France, Germany and Holland than in England and Scotland. But we shall confine our attention for the present to the history of anatomy in Great Britain; inasmuch as in the development of anatomy in America, the influence of Edinburgh and London is more readily traced than that of Paris and Leyden.

Twenty-five years after the passage of the Act of 32 Henry VIII., Queen Elizabeth granted to the College of Physicians, of London, the bodies of four felons executed in Middlesex, "that the president or other persons appointed by the college might, observing all decent respect for human flesh, dissect the same." In 1663, Charles II. increased the number of felons' bodies, annually granted to the physicians, to six. The Act of 22 George II., c. 37, 1752, required the dissection or hanging in chains of the bodies of all executed murderers in order that "some further Terror and peculiar Mark of Infamy might be added to the Punishment of Death." The provision of this Act regarding the dissection of murderers remained unrepealed till the passage of the so-called Warburton Anatomy Act, in 1832, while the provision regarding the hanging of a murderer's body in chains remained in force till 1861, when it was repealed.

These were the only legalized sources for the supply of anatomi-

cal material in England prior to 1832. Such provisions might, at first sight, seem generous and ample, yet they were not. We find Dr. William Hunter, in 1763, in vain asking of the King a grant of land sufficient for the site of an anatomical school in London, which he proposed to endow with something like £7,000, and one of the finest anatomical collections in Europe. In his memorial to the Earl of Bute, Hunter writes: "Of the very few who profess or teach this art in any part of Great Britain, London excepted, there are none who can be supplied with dead bodies for the private use of students. They can with difficulty procure only so many as are absolutely necessary for the public demonstrations of the principal and well-known parts of the body. Hence it is that the students never learn the practical part, and the teachers themselves can hardly make improvements, because they cannot have subjects for private experiments and enquiries. Anatomy was not upon a much better footing, even in London, till the year 1746."

In 1832, Parliament passed the Warburton Anatomy Act, which is still in force throughout Great Britain and Ireland — in all its essential features. To understand its significance and that of "Burking," which really caused Parliament to enact it, we must glance at the Edinburgh School of Anatomy.

We have already noticed the grant of anatomical material contained in the charter of the Surgeons' Company, made in 1505. The beginning of the Edinburgh Anatomical School was in 1694; when the Town Council, on the 24th of October, in response to the petition of Alexander Menteith, granted him "any vacant, waste room in the correction house, or any other thereabouts belonging to the Town." Menteith also obtained a grant of "those that dye in the correction house; and the bodies of fundlings that dye upon the breast." The Surgeons' Company were granted, nine days later, "the bodies of fundlings who dye betwix the tyme that they are weaned and their being put to schools or trades; also the dead bodies of such as are stiflet in the birth, which are exposed and have none to owne them; as also the dead bodies of such as are *felo de se* and have none to owne them; likewayes the bodies of such as are put to death by sentence of the magistrat, and have none to owne them." The anatomical theatre of the surgeons was reported finished to the Town Council, December 17, 1697. The Council ratified its grant of 1694, and, the same day, the surgeons chose a committee "to appoint the method of public

dissections, and the operators." In 1705, the Council gave £15 salary to Robert Elliott, the first Professor of Anatomy in Edinburgh. In 1720, the Town Council elected Alexander Monro, *primus*, Professor of Anatomy. In 1725, he removed from Surgeons' Hall to the University buildings, because of the violence of a mob which had attempted to demolish the Surgeons' Theatre, on account of the supposed violation of graves. In 1722, the apprentices of the Surgeons' Company were obliged, in their indentures, to subscribe to "an obligation that they would altogether avoid raising the dead."

Under the Monros, father, son and grandson, who held between them the University Chair of Anatomy from 1720 till 1846, the school became widely famous. Many of the early American physicians and anatomists studied at Edinburgh; where, early in this century, there were several extramural private schools of anatomy. Of these, that of Dr. Robert Knox was the most famous and frequented. In the winter of 1828–29, he had a class of 505: the largest in Europe.

For years the demand for anatomical material had exceeded the legal supply in Great Britain. As early as 1826, Parliament was petitioned, but to no purpose, to give aid and protection to the anatomists, — who were forced to depend on the resurrection men for subjects. Bodies often brought £10 each, in Edinburgh and London; in one instance a subject was sold for £30. When the home supply ran short, the Scotch anatomists were furnished with stolen bodies from England, Ireland, and even France. "The increased demand and higher pay for material," says Lonsdale (Knox's biographer), "generated sad recklessness and brutality. Quarrels arose over the spoils; the jealousy of rival factions of the different schools, and the frequent attempts to outwit each other, led to personal denunciations and a fearful publicity." In response to numerous petitions from the medical profession, a "Select Committee of the Commons," to inquire into the hindrances to the study of anatomy, was appointed April 22, 1828. Its report was rendered on the twenty-second of July, following. In 1788, the Court of King's Bench decided, in the first reported case of the sort, that it was a misdemeanor at common law to carry away a dead body from a church-yard, although for the purpose of dissection, as being an offence *contra bonos mores* and common decency. The Select Committee stated in its report, which was favorable to

the petitioners, that, under the law as then interpreted, there was scarcely a student or teacher of anatomy in England who was not indictable for a misdemeanor; and also that medical men "were liable in a civil action to damages for errors in practice, due to professional ignorance; though at the same time they might be visited with penalties as criminals for endeavoring to take the only means of obtaining professional knowledge." It was not until the following year, when the complaints of the anatomists and the report of the committee had been emphatically endorsed by the "Burking" horrors of Edinburgh, that leave was obtained, on the fourth of May, to bring in a "Bill, to Prevent the Disinterment of Dead Bodies, and for the Better Regulation of Our Schools of Anatomy."

On the second of November, 1828, it was noised about in Edinburgh that a woman had been murdered on All Hallow Eve for the sake of her body, which was found in the dissecting room of Dr. Knox. In the investigation which followed it was discovered that William Hare, the keeper of a low lodging house in the West Port, and one of his lodgers, William Burke, had, within less than a year, committed sixteen murders, and disposed of the bodies of their victims to the teachers of anatomy. The "Burke" method was to suffocate the victim, already dead drunk. Throttling was not resorted to: the nose and mouth were kept tightly closed, and the smothering was soon effected. It was impossible to connect Knox with these villains in any way, except as a receiver of stolen goods for the benefit of the public. Hare turned State's evidence, but Burke was found guilty, hanged and dissected. His skeleton adorns the Anatomical Museum of the University of Edinburgh.

The Bill alluded to above was brought into Parliament May 5, 1829, but was thrown out in the House of Lords a month later. It was not until August 1, 1832, after a long discussion in which Sir James Mackintosh and Mr. Macaulay took part, that the "Warburton Bill for Regulating Schools of Anatomy" was enacted. At this distance in space and time the deliberateness of Parliament seems a trifle strained in the face of such facts as we have stated; but one of the chief glories of the British Constitution is its slow growth, we believe.

The Warburton Act is, with some trifling amendments, still in force. Its effect has been to protect the sepulchres of the dead,

and, in the long run, to furnish an adequate supply of subjects. As, however, Massachusetts anticipated Great Britain by more than a year in legalizing anatomy, in a law based upon the same principles as those embodied in the English Act, we forego any special consideration of the terms and provisions of the latter.

Part Second.

ANATOMY IN AMERICA.

The earliest utterance in America, in recognition of the importance of anatomical studies, seems to have been made in Massachusetts. In "The Cleare Sun-Shine of the Gospel Breaking upon the Indians in New England" is found a letter dated "Roxbury, 24 September 1647," from John Eliot to the Rev. Thomas Shephard of "Cambridge in New England." The Apostle declares of the Indians that "all the refuge they have and relie upon in time of sickness is their Powwaws; so that it is a very needfull thing to informe them in the use of Physick, and a most effectuall meanes to take them off from their Powwawing. Some of the wiser sort I have stirred up to get this skill; I have showed them the Anatomy of man's body, and some generall principles of Physick. I have had many thoughts in my heart that it were a singular good work, if the Lord would stirre up the hearts of some or other of his people in England to give some maintenance toward some Schoole or Collegiate exercise this way, wherein there should be Anatomies and other instructions that way." It is unlikely that the Apostle Eliot added dissections to his lectures on "the Anatomy of man's body;" for later in the same letter he deplores the fact that "our young students in Physick have onely theoreticall knowledge, and are forced to fall to practice before ever they saw an Anatomy made," and says, "We never had but one Anatomy in the Countrey, which Mr. Giles Firman (now in England) did make and read upon very well."

The "first Anatomy in the Countrey" was doubtless made without the warrant of legal enactment; certainly the majority of dissections since then have been so made. The first statutory provision regarding anatomy in America seems to be the Massachusetts Act of 1784, by the terms of which the bodies of those killed in duels and of those executed for killing another in a duel

might be given up to the surgeons "to be dissected and anatomized." In 1831 Massachusetts anticipated all her sister States, and England as well, by legalizing the study of "anatomy in certain cases."

In 1690, Governor Slaughter, of New York, died suddenly, under circumstances which excited suspicions of poisoning. Dr. Johannes Kerfbyle, assisted by five physicians, made a post-mortem examination of the body. The council ordered £8 8s. to be paid the surgeons for this examination. This is usually cited as the first recorded autopsy in America.

It is recorded that Dr. John Bard and Dr. Peter Middleton, of New York city, in 1750 injected and dissected the body of Hermanus Carroll, an executed criminal, "for the instruction of the young men then engaged in the study of medicine." This was thirty-nine years before the State of New York legalized the dissection of the bodies of malefactors executed for arson, burglary, or murder. Though Pennsylvania passed no anatomy Act until 1867, the first American medical school was organized in Philadelphia in 1765, by Drs. Morgan and Shippen, natives of that city. Dr. William Shippen, Jr., a pupil of John Hunter, gave, in 1762, a systematic course of lectures on anatomy. The fee for this course, which is said to have embraced sixty lectures, was put at "five pistoles; and any gentlemen who incline to see the subject prepared for the lecture and learn the art of dissecting, injecting, etc., are to pay five pistoles more." This first course of lectures by Dr. Shippen, which was attended by twelve students, is usually termed the first full and scientific course of anatomical lectures given in America; although Dr. Cadwallader, as early as 1751, made dissections for the benefit of the physicians of Philadelphia, and Thomas Wood, surgeon, in 1752 advertised in the New York papers "a course on osteology and myology in the city of New Brunswick, N. J.," to be followed, in case of proper encouragement, by a course in angiology and neurology, and a course of operations on the dead body. It should also be noted that Dr. William Hunter, educated at Edinburgh under the elder Monro, who came to America in 1752, gave lectures on anatomy and surgery in Newport, R. I., in the years 1754, 1755, and 1756.

Shippen's courses were so successful that in 1765 the Medical College of Philadelphia was organized with two professorships. Dr. Shippen held the chair of "anatomy and surgery;" that of

the "theory and practice of physic" was filled by Dr. John Morgan.

In New York and Massachusetts, as in Pennsylvania, the anatomists were the founders of the first medical schools. The medical department of King's, now Columbia, College was organized in New York in 1767. Dr. Samuel Clossy, an Irishman, who began his course of lectures on anatomy in New York in 1763, was chosen the first professor of anatomy in King's. Dr. John Warren, who from 1777 till the close of the Revolution had served as surgeon-in-chief of the military hospitals at Boston, gave a private course of dissections to a class of medical students in that city in 1780. In the following year he gave a public course of anatomical lectures, the success of which led to the organization of the Harvard Medical School in 1782. Dr. Warren was the first professor in the new school. He was for many years its presiding genius, and held the professorship of anatomy and surgery till his death in 1815. It was chiefly through the efforts of Dr. Nathan Smith, that the Dartmouth Medical School was founded, in 1797. Dr. Smith was appointed "to deliver public lectures upon Anatomy, Surgery, Chemistry, Materia Medica, and the Theory and Practice of Physic." To the Dartmouth school is usually assigned the fourth and final place on the list of American schools of medicine founded before 1800.

Thanks to the efforts of Thomas Jefferson, in 1779, Virginia can claim a place on that list for the medical department of William and Mary College. "I effected in that year, 1779," he says in his autobiography, "a change in the organization of that institution by abolishing the Grammar school and the two professorships of Divinity and Oriental languages, and substituting a professorship of Law and Police, one of Anatomy, Medicine, and Chemistry, and one of Modern Languages." In 1778, Mr. Jefferson drew up a "Bill proportioning Crimes and punishments in Cases heretofore capital." Among its provisions was the following: "If any person commit petty treason, or a husband murder his wife, a parent his child, or a child his parent, he shall suffer death by hanging, and his body be delivered to Anatomists to be dissected." This bill was lost by the majority of a single vote, and Virginia lost the opportunity of passing the first American Act to legalize anatomy in even a small way. Virginia as yet has no anatomy act.

It was brought out in connection with the Salem witchcraft trials, in 1692, that "about seventeen years before," a jury had been impanelled upon the body of a man that died suddenly in the house of Giles Corey, and that the jury, among whom was Dr. Zerobbabel Endicot, found the man "bruised to death, and having clodders of blood about his Heart." This would indicate that a post mortem examination was made in Massachusetts as early as 1675, fifteen years prior to that made of the body of Governor Slaughter, of New York, which is usually cited as the first recorded autopsy in America.

In December, 1692, the province of Massachusetts Bay incorporated the major portion of the English Act of 1604 against witchcraft among its statutes. The history and provisions of this Act are worthy of more than passing mention, because it contains not only the first American, but also the first English, statutory prohibition of the desecration of graves, and indicates full well that the belief in sorcery was a potent factor in popular prejudice against human dissections. In the preamble to an Act for "the appointing of Physicians and Surgeons," passed in 3 Henry VIII., 1511, it is recited that "so far forth were the Science and Cunning of Physick and Surgery practised by ignorant persons, that common Artificers, as Smiths, Weavers, and Women, boldly and accustomably took upon themselves great cures, and things of great Difficulty, in the which they partly use Sorcery and Witchcraft, partly apply such medicines unto the Disease as be very noious and nothing meet therefor." The practice of witchcraft was first made a felony, punishable with death and the forfeiture of estate to the King, in 1541. This Act of the Parliament of 33 Henry VIII. was repealed six years later, in the first year of Edward VI.; but in 1565, the fifth year of Queen Elizabeth, it was reënacted with a saving clause, whereby dower was secured to the widow and inheritance to the heir of the felon. In 1604, the first year of James I., the Act of 5 Elizabeth, as well as that of the 9th Parliament of Mary of Scotland, was repealed, and an Act for "the better restraining and more severe punishing of witchcraft and dealing with evil and wicked spirits," was passed. It contained the following provision, new to the English law: "If any person shall take up any dead man, woman, or child out of his, her, or their grave, or any other place where the dead body resteth, or the skin, bone, or any other part of any dead person, to be employed

in any manner of witchcraft, inchantment, charm, or sorcery, whereby any person shall be killed, destroyed, wasted, consumed, pined, or lamed in his or her body, or any part thereof," every such offender "shall suffer pains of death as a felon, and shall lose the benefit of clergy and sanctuary."

This Act was cited formally in indictments drawn in Maryland in 1674, and in Massachusetts in the spring of 1692, and was acknowledged to be in full force in Pennsylvania in 1684. Massachusetts seems to have been the only colony to embody it in its laws. The Privy Council repealed the Act in 1695, because it was "not found to agree with ye Statute of King James the First whereby ye Dower is saved to ye Widow and ye Inheritance to ye heir of ye party convicted." The English Act remained unrepealed till 1736; and, so late as 1712, was declared to be in force in South Carolina. It does not appear that any "resurrectionist" was ever convicted under it in America. The first American Act to prevent the digging up of bodies for dissection, was the New York Act of 1789.

The Act of Massachusetts, passed in 1784, against duelling, is a noteworthy one, by reason of the fact that it contains the first authorization on the part of an American legislature of the dissection of the dead bodies of malefactors. The province had enacted laws for the prevention of duelling, in 1719 and 1729. That of 1719 provided penalties in the way of fine, imprisonment, and corporal punishment — any or all of them, at the court's discretion — for those convicted of engaging in, or challenging another to engage in, a duel. Under the Act of 1729, duellists and their accomplices were carried in a cart to the gallows with a rope about the neck, "and after sitting for the space of one hour on the gallows, with the rope about his neck as aforesaid," the offender was confined in the common jail for one year, and at the expiration of his sentence was required to find sureties for his good behavior for the succeeding twelvemonth. The Acts of 1729 and 1784, both denied Christian burial to the bodies of men killed in a duel. Moreover, it was provided in section 3 of the Act of 1784, "that when it shall appear by the coroner's inquest that any person hath been killed in fighting a duel, the coroner of the county where the fact was committed shall be directed and empowered to take effectual care that the body of such person so killed be immediately secured and buried without a coffin, with a stake drove through the body, at or near the usual place of execu-

tion, or shall deliver the body to any surgeon or surgeons, to be dissected and anatomized, that shall request the same and engage to apply the body to that use." Section 4 ordains "that any person who shall slay or kill another in a duel, and shall, upon conviction thereof on an indictment for murder, receive sentence of death, part of the judgment of the court upon such conviction shall be that the body be delivered to any surgeon or surgeons, to be dissected and anatomized, that shall appear in a reasonable time after execution to take the body and engage to apply it to that purpose."

If the Massachusetts legislators in 1784 had any intention of recognizing the needs of the anatomists, they failed to declare it, so that New York was the first State, by section 2 of its Act of 1789, to express the desire that "science might not in this respect be injured by preventing the dissection of proper subjects." It was not till the passage of the Massachusetts Act of 1831 that any State really undertook to "legalize the study of anatomy."

It is most likely that the provisions of the Act of 1784 touching dissection were designed to make duelling a specially infamous offence. This was quite in keeping with the English law regarding dissection. In 1752, the Parliament of 22 George II., in order that "some further Terror and peculiar Mark of Infamy might be added to the Punishment of Death," legalized the delivery of the bodies of executed murderers to the surgeons for dissection. This must have been the Act from which the royal governors derived authority to dispose of murderers' bodies in Massachusetts in the manner indicated in the following extract, taken from the Life of Dr. John Warren, by Edward Warren, M. D., page 230: "At this period [just prior to the Revolution] the governor had the disposal of the body of the criminal after execution. He might order its delivery to the man's friends, to any one to whom he himself assigned it, or to a surgeon. The prisoner, with the governor's assent, might make his own arrangements even for the sale of his body, if he was so disposed, either for the benefit of his family or his own brief enjoyment."

It is to be remarked that the Act of 1752 required the judges to add either dissection or hanging in chains to the death sentence of murderers, and that previously to 1832, when the Warburton Anatomy Bill was passed, there seems to have been no warrant in English law for any sort of bargain concerning a cadaver. The only legal mode of disposing of a dead body, excepting in case of

malefactors, was to bury it. Once buried, it was an indictable offence at common law for any person to exhume it, except by the leave of the proper officers.

The name of Warren is most intimately associated with the rise and progress of anatomical science in Massachusetts. Dr. John Warren while a student in Harvard College, where he graduated in 1771, was the leading spirit in forming a private anatomical society, composed of students. He says of it that "brutes were dissected and demonstrations on the bones of the human skeleton were delivered by the members." The Anatomical Society and the Spunker Club, to which there are frequent allusions in the Life of Dr. John Warren, seem to have been identical. Dr. Warren was the principal lecturer of the club. His most zealous associates were his classmate, Jonathan Norwood, William Eustis, class of 1772, and David Townsend and Samuel Adams, of the class of 1770. Adams was a son of Samuel Adams the patriot. Eustis, Adams, and Warren all studied medicine with an elder brother of the latter, Dr. and General Joseph Warren. Eustis, Warren, Townsend, and Adams became surgeons in the Continental army. Adams died in 1778. Eustis lived to become governor of Massachusetts in 1823. Warren was surgeon-general of the military hospital at Boston, from June, 1777, till the close of the Revolution, and was the first professor of anatomy and surgery of the Harvard Medical School, of which he was practically the founder.

Some notion of the methods of study of the Spunker Club may be gained from the following extracts from letters written by Eustis to Warren, prior to 1775: "This may serve to inform you that as soon as the body of Levi Ames was pronounced dead, by Dr. Jeffries, it was delivered by the sheriff to a person who carried it in a cart to the water side, where it was received into a boat filled with about twelve of Stillman's crew, who rowed it over to Dorchester Point. . . . When we saw the boat at Dorchester Point, we had a consultation, and Norwood, David, One Allen and myself took chaise and rode round to the Point, Spunkers like; but the many obstacles we had to encounter, made it eleven o'clock before we reached the Point, where we searched and searched, and rid, hunted, and waded, but, alas, in vain! There was no corpse to be found. . . . We have a —— from another place, so Church shan't be disappointed. P. S. By the way, we have since heard that Stillman's gang rowed him back from the Point up to

the town, and after laying him out in mode and figure buried him, God knows where! Clark & Co. went to the Point to look for him, but were disappointed, as well as we." No wonder that the same writer, in another letter, says, "Good heavens! to reflect on the continued bars we are meeting in our pursuits! It seems as if fate had placed medical knowledge *profunda in puteo, saxis et vix mobilibus submersa.*"

It is not yet one hundred years since Dr. John Warren delivered the first course of public anatomical lectures ever given in Massachusetts, in compliance with a vote of invitation passed by the Boston Medical Society, November 3, 1781. It is scarcely fifty years since the Massachusetts Medical Society began to agitate the question of legalizing the study of anatomy. The Harvard Medical School, in the ninety-eight years of its history, has had but three professors of anatomy, namely, Dr. John Warren, professor of anatomy and surgery from 1782 till 1815, when he died; Dr. John C. Warren, professor of anatomy and surgery from 1815 to 1847, when he resigned; and Dr. Oliver Wendell Holmes, professor of anatomy, who, like the elder Warren, has held his chair thirty-three years.

Dr. John Warren's son and successor, Dr. John C. Warren, was three years old in 1781, the year the Massachusetts Medical Society was incorporated. Fifty years later, as one of the most prominent members of that society, February 2, 1831, he lectured before the members of the Massachusetts Legislature, in the representatives' chamber, on the Study of Anatomy, in accordance with a vote of the house of representatives, passed January 29, 1831. At the time of this lecture the anatomy bill, which became a law on the 28th of that month, was still pending.

No better testimony concerning the obstacles which beset the pursuit of anatomical science during those fifty years can be given than is found in the Biographical Notes of Dr. John C. Warren, from which we quote: "No occurrences in the course of my life have given me more trouble and anxiety than the procuring of subjects for dissection. My father began to dissect early in the Revolutionary War. He obtained the office of army surgeon when the Revolution broke out, and was able to procure a multitude of subjects from having access to the bodies of soldiers who had died without relations. In consequence of these opportunities he began to lecture on anatomy in 1781. After the peace there was great

difficulty in getting subjects. Bodies of executed criminals were occasionally procured, and sometimes a pauper subject was obtained, averaging not more than two a year. While in college I began the business of getting subjects in 1796. Having understood that a man without relations was to be buried in the North Burying-Ground, I formed a party. . . . When my father came up in the morning to lecture, and found that I had been engaged in this scrape, he was very much alarmed, but when the body was uncovered, and he saw what a fine, healthy subject it was, he seemed to be as much pleased as I ever saw him. This body lasted the course through. Things went on this way till 1807, when, with the coöperation of my father, I opened a dissecting-room at 49 Marlborough Street. Here, by the aid of students, a large supply of bodies was obtained for some years, affording abundant means of dissection to physicians and students. In the meantime, however, schools began to be formed in other parts of New England, and students were sent to Boston to procure subjects. The exhumations were conducted in a careless way. Thus the suspicion of the police was excited; they were directed to employ all the preventive measures possible, and watches were set in the burying-grounds. Thus the procuring of bodies was very much diminished, and we were obliged to resort to the most dangerous expedients, and, finally, to the city of New York, at a great expense of money and great hazard of being discovered. Two or three times our agents were actually seized by the police, and recognized to appear in court. One or two were brought in guilty, and punished by fine, but the law officers, being more liberal in their views than the city officers, made the penalty as small as possible. Constant efforts were necessary to carry on this business, and every species of danger was involved in its prosecution. . . . At that time scarcely any exhumation occurred without accidents of the most disagreeable and sometimes painful character. The record of them would make a black-book, which, though the odium of it should belong to few individuals, would do no credit to the enlightenment of Boston in the nineteenth century, and convey an idea of the state of feeling of a professor of anatomy on the approach and during the course of his anatomical pursuits.

"Sometimes popular excitement was got up, and the medical college threatened. I had reasons, at some periods, even to

apprehend attacks on my dwelling-house. Whenever the lectures approached, a state of incessant anxiety came with them. At length the pressure was so great that it was resolved to make an effort in the legislature, though with little hope of success."

If it were necessary, evidence to corroborate that of Dr. Warren might be indefinitely multiplied from the published and unpublished traditions of the elders. We content ourselves with the mention of one episode. About 1820 a highly respectable physician of Eastern Massachusetts, being detected in anatomical pursuits, was obliged to flee the State. In a distant community, which to this day has no anatomy Act, he won eminence as a teacher of anatomy and practitioner of medicine.

Dr. H. I. Bowditch, in his Life of Amos Twitchell, M. D., treats fully of the condition of affairs in New England, when the law said, as he puts it, "A man who is found with a body in his possession for the purpose of dissection shall be considered guilty of a felony."

It was chiefly due to the efforts of the Massachusetts Medical Society that Massachusetts, in 1831, was induced to anticipate all English-speaking States in the enactment of a liberal law regarding anatomical science. The first definite action of the society seems to have been taken by the councillors February 4, 1829, when, on the motion of Dr. A. L. Peirson, of Salem, a committee, consisting of Drs. John C. Warren, E. Alden and A. L. Peirson, was appointed "to prepare a petition to the legislature to modify the existing laws which now operate to prohibit the procuring of subjects for anatomical dissections." Previous attempts, however, seem to have been made to weaken popular and legislative prejudices. Public attention had been forcibly called as early as 1820, in the case of the physician above alluded to, to the unsatisfactory working of the law of 1815, "to protect the sepulchres of the dead." It is said that a year or two later a private teacher of anatomy, in Boston, found one morning on his dissecting-table the body of a prominent actor, then recently deceased. The anatomist, who had been a particular admirer and friend of the actor's, caused the body to be returned to the tomb, under Trinity Church, from which it had been stolen, and acquainted the authorities with the circumstance. This occurrence seems never to have been made public, but the physicians and authorities agreed that the laws must be amended. Doubtless they concluded that the public must be enlightened before anything could be gained from the

legislature, for, in 1825, Wells and Lilly reprinted in pamphlet form an article on "The Importance of the Study of Anatomy, with some Additional Remarks," from the *Westminster Review* of 1824. Some writers allude to efforts before the legislature in 1828, but we have found no documentary proof of any legislative action previous to that in the house of representatives, February 3, 1829, when the Committee on the Judiciary was instructed, on motion of Mr. F. A. Packard, of Springfield, "to inquire into the expediency of making any farther legal provisions to protect the sepulchres of the dead from violation." In accordance with these instructions, on February 14th the Committee reported a bill, which, on being read a second time, February 24th, was indefinitely postponed on the motion of Mr. Thomas B. Strong, of Pittsfield. The secretary of the Massachusetts Medical Society at this time was Dr. George Hayward. In the *North American Review* for January, 1831, he says that this proposition, above noted, to mitigate the severity of the law "was hardly listened to with decency; members seemed anxious to outdo each other in expressions of abhorrence; and the bill was not even allowed a second reading."

History repeats itself in the case of anatomy Acts no less than in other departments. In 1866, an anatomy bill, after passing the Pennsylvania house of representatives, was withdrawn from the senate of that State, because a too influential member of that body objected to it as being "unworthy of the age in which we live." The next year, however, when it was made manifest that "the bodies of distinguished legislators themselves, after a life full of good works, were no longer safe in their graves," both senate and house passed "An Act for the promotion of medical science, and to prevent the traffic in human bodies, in the city of Philadelphia and the county of Allegheny."

At the annual meeting of the Fellows of the Massachusetts Medical Society, June 3, 1829, the committee of three, appointed by the councillors in February, reported that it was inexpedient to act upon the petition prepared by them to be presented to the legislature. After a full discussion of the report it was agreed to refer the whole subject to a committee of nine. The committee was requested to report at the October meeting of the councillors; and the councillors were authorized to take such measures as they might deem necessary in behalf of the society. The following named gentlemen were chosen to serve on this committee: Drs. A.

L. Peirson, of Salem; John C. Warren, John D. Wells, John Ware, William Ingalls and George C. Shattuck, of Boston; Nathaniel Miller, of Franklin; Nehemiah Cutter, of Pepperell, and John Brooks, of Bernardston. When the councillors of the society met, October 7th, the committee reported that on September 1st a circular letter to the Fellows of the society had been issued, "with a view of advancing the objects proposed by their appointment," and they recommended to the councillors to cause a petition to be prepared and presented at the winter session of the general court. It was voted to continue the committee, and to authorize it to incur an expense not exceeding one hundred and fifty dollars.

A circular letter, dated Salem, September 1, 1829, and signed by all of the committee excepting Dr. Miller and Dr. Cutter, solicits the aid of every influential member of the society in removing the popular prejudice against dissection, "especially as it exists in the minds of members of the legislature." The points upon which it was intended to rely in the proposed petition to the legislature, are as follows: "(1.) Anatomical knowledge is absolutely necessary in all branches of our profession. (2.) This knowledge can only be acquired by dissection. (3.) So far as the poor are concerned, it is for their especial benefit that all physicians should learn anatomy thoroughly. (4.) It is believed that the diseases and lameness of many paupers have passed from a curable to an incurable condition for the lack of surgical skill, which could only have been derived from a knowledge of practical anatomy. (5.) All lovers of good morals must feel desirous to prevent the growth of a body of people who make it a business to violate the sepulchres of the dead. (6.) The public, as a body, have a greater degree of interest in this matter than even physicians." The Fellows are urged to lay the subject before the members of the legislature, with whom they may be acquainted, and to inform the committee, before October 1st, concerning their own views and the course of public opinion in their vicinity.

The petition authorized by the councillors, and alluded to by the committee in the circular, which was probably written by Dr. Peirson, seems to have taken the shape of an "Address to the Community on the necessity of legalizing the Study of Anatomy: By order of the Massachusetts Medical Society." In the address, which covers twenty-seven pages, and bears the imprint of Perkins & Marvin, Boston, 1829, the points of the Salem circular are amplified

and enforced. The address is noticed in the *American Journal of Medical Sciences*, vol. vi. p. 210, by Dr. W. E. Horner, of Philadelphia, who characterizes it as "a candid and open exposition of difficulties, and of the means of relieving them." "It is," he says, "a statement directly to the point, and must have weight, if common sense and common philanthropy are to be arbiters. It proposes that the legal restrictions upon dissections shall not apply in the case of individuals who have no living relatives, and who have been kept at the public expense." Dr. George Hayward declares that "this address made a deep impression on the thinking part of society, and wrought a marvellous change in public opinion." At their meeting, on February 3, 1830, the councillors of the Medical Society authorized the committee of nine to print a new edition of not more than ten thousand copies of the Address to the Community.

Meanwhile, on January 22d, in accordance with a motion made by Mr. Mason, of Boston, in the house of representatives, the committee on the judiciary had been instructed to inquire into the expediency of farther legislation for the protection of sepulchres. The judiciary committee consisted of Messrs. L. Saltonstall, of Salem; L. Shaw, of Boston; Newton, of Worcester; Mann, of Dedham; and Whitman, of Pembroke. Mr. Saltonstall, the chairman, made a detailed report February 25, 1830, in which it was recommended that the farther consideration of the matter be referred to the first session of the next legislature. The report lay upon the table till March 11th, when it was taken up, accepted, and ordered to be published in the "newspapers which print the laws of the commonwealth." This report is printed as "No. 51, House Documents, pp. 756–764, Documents of Massachusetts, Political Year 1829, and January Session 1830." The report is eminently liberal in spirit, and judicial in tone, and is written clearly and concisely. Although the committee reach the conclusion that the existing law, that of 1815, is unfair to the medical profession and inconsistent with the best interests of the community, they refrain from proposing any alteration of it, believing that public opinion has not become sufficiently enlightened to warrant such action.

Governor Levi Lincoln, in his address to the legislature, delivered May 29, 1830, at the opening of the summer session, declares that the frank and manly representation by the medical faculty of the embarrassments and difficulties of acquiring a knowledge of anatomy

deserves the most respectful regard. "It may be," he says, "that this subject is of a nature too delicate for direct legislation; but the public mind should be instructed in its interesting importance. Let it be shown that the knowledge which is sought in the science of anatomy concerns all the living, and that without it the accidents and ills of life which art might remedy are beyond relief. Let the reason of men be addressed, and prejudice be dispelled by information and the force of argument. It may then come to be understood that a community which demands the exercise of skill and denies the means to acquire it, which punishes ignorance and precludes the possibility of removing it, is scarcely more compassionate than that Egyptian harshness which imposed the impracticable task in cruel oppression of the inability to perform it. . . . It is not my purpose to propose any definite act for your adoption. I would commend the subject only to the discreetness of your counsels."

On May 31st, Mr. John Brazer Davis, of Boston, moved in the house of representatives, and it was ordered, "That so much of his Excellency the Governor's speech, as relates to a modification of the laws in relation to the study of anatomy, be referred to a select committee." The gentlemen chosen to act as such committee, were Messrs. J. B. Davis, of Boston, G. Willard, of Uxbridge, A. Hutchinson, of Pepperell, L. W. Humphreys, of Southwick, and J. B. Flint, of Boston. The day after their appointment, the committee reported through Mr. Davis, that the subject be referred to the next session of the legislature, and the report was accepted.

On the 1st of January, 1831, the select committee made its report, and brought in a bill "more effectually to protect the sepulchres of the dead and to legalize the study of anatomy in certain cases." The report was written by the chairman of the committee, Mr. Davis. The report constitutes No. 4 of the house documents for 1831, and in the printed copy is dated January 6. Pages 3–82 inclusive are devoted to the report proper; the bill is found on pages 83–86; the list of documents accompanying the report is found on page 87; and the documents themselves fill twenty-nine pages more.

This is altogether the most exhaustive document on the subject that we have seen; inasmuch as the committee undertakes to consider, in "all its aspects, the subject committed to them, and to present not only the results, but the details, of their researches

and reasonings on it." We shall not undertake to outline it within the limits of a latter-day paper, in face of the fact that twenty pages octavo are taken up in tracing "the progress of anatomical science from the first rude attempts of the Greeks, through a slow progress of near two thousand years," before it is attempted to show, in nearly thirty-six pages more, that "the study and knowledge of anatomy are essential to the safe and successful practice of medicine." We unhesitatingly recommend this "faithful compilation of the facts and reasonings of distinguished men, who have devoted their attention to this subject," to the consideration of those who have to snatch time from the practice of medicine to get up "inaugural addresses" for medical colleges in States still fifty years behind the times. They will find Dr. Southwood Smith's "Uses of the Dead to the Living," and the "Report of a Select Committee of Parliament on the Hindrances to the Study of Anatomy, London, 1828," poor beside, and because of, the riches of this report of the Davis committee.

The legal status of dissection is noticed in the report as follows: "In 1815 a law was passed for the protection of the sepulchres of the dead, which punished the exhumation of any dead body or the knowingly and wilfully receiving, concealing, or disposing of any such dead body, by a fine of not more than one thousand dollars, or imprisonment for not more than one year. Before the passing of this Act, several cases at common law were brought before the Supreme Judicial Court, in all of which, where there was a conviction, the party was punished. Where it appeared that the exhumation was for subjects for dissection, a small fine was imposed. The last case of this kind was against a now eminent physician, then of Essex county, in which several important law points were raised; but the case does not appear to have been reported. Under the statute there have been several prosecutions, convictions, and punishments. With truth it may be said that in Massachusetts a student or teacher of anatomy cannot be found who is not indictable under the statute of 1815."

"While the law of this Commonwealth is thus severe against the exhumation of dead bodies, another law has been passed, by which every practitioner of medicine is required to obtain a degree at Harvard University, or license from the Medical Society, before he can maintain an action for debt for his professional services. The license or degree is given on examination, and one of the

prerequisites for this examination is that the applicant shall have gone through such a course of dissection as shall give him a minute knowledge of anatomy.

"The only legalized mode of supplying subjects for dissection is the sentence or order of the Supreme Judicial Court of this State and of the Circuit Court of the United States in capital convictions within their respective jurisdictions. The insufficiency of this supply may be inferred from the statements of the secretary of the Commonwealth and of the clerk of the United States District Court. The former states, in answer to inquiries addressed him by the chairman of this committee, that the whole number of executions or suicides of convicts from January 1, 1800, to December 31, 1830, is but twenty-six—less than one a year. The clerk of the United States District Court, in reply to like inquiries, states that from the adoption of the federal constitution and the first organization of the federal courts down to the present time the whole number of executions and of suicides of convicts sentenced by that court in this district is but fourteen,—being about one in three years."

February 26, the clerks of the two houses caused the enacted bill to be laid before Governor Lincoln, by whom it was approved and signed February 28, 1831.

The wisdom of the Medical Society and the select committee in acting on Governor Lincoln's recommendation that "the reason of men be addressed, and prejudice be dispelled by information and the force of argument," is justified by the lack of opposition to the enactment of the Davis bill. The Boston *Advertiser* for February 11, 1831, notes the fact that on the day previous the Davis bill had passed to a third reading in the house by a vote almost unanimous. It adds: "No discussion took place touching the general provisions or tendency of the bill. Several amendments were offered relating to the details only. No one expressed any sentiments or opinions in opposition to the general features of the bill; but it received the approbation of all as a necessary step in the progress of improvement." This shows a marked change in public opinion since 1829, "when," to use the words of Dr. G. Hayward, "the proposition to mitigate the severity of the law against those engaged in dissection, was driven almost by acclamation from the legislature."

Subsequent legislation has considerably modified the Act of February 28, 1831, as may be seen on consulting the Acts of April 1,

1834, March 26, 1845, May 10, 1855, and March 28, 1857. By the act of 1845, chapter 242, former Acts are simplified, amended, and improved. Section 1 provides that the overseers of the poor of any town, and the mayor and aldermen of any city, in the commonwealth, "shall, upon request, give permission to any regular physician, duly qualified according to law, to take the dead bodies of such persons as are required to be buried at the public expense within their respective towns or cities;" and also makes it "the duty of all persons having charge of any poorhouse, work-house, or house of industry, in which any person required to be buried at the public expense shall die, immediately to give notice thereof to the overseers of the poor of the town, or the mayor and aldermen of the city, . . . and the dead body of such person shall not, except in cases of necessity, be buried, nor shall the same be dissected or mutilated until such notice shall have been given and the permission therefor granted." According to section 2, "no such body shall in any case be surrendered if the deceased person, during his last sickness, of his own accord, requested to be buried." Excepting the repeal of sections 10 and 11 of the Revised Statutes of 1835, the Act of 1845 contains no other noteworthy new provision.

Chapter 323, Laws of Massachusetts, 1855, section 1, confers the powers and duties of overseers of the poor, as defined in chapter 242, Laws of 1845, upon "overseers and superintendents of State almshouses." Section 2 contains provisions new to the statute book. It reads: "Whoever buys, sells, or has in his possession for the purpose of buying, or selling, or trafficking in, the dead body of any human being shall be punished by fine of not less than fifty, nor exceeding five hundred dollars, or by imprisonment in the jail not less than three months, nor exceeding three years." The duty of giving immediate notice to the proper authorities of the death of friendless persons in the institutions under their control, devolved by the Act of 1845 upon the directors of houses of industry, etc., etc., is also, by the Act of March 28, 1857, laid upon the board of directors of public institutions of Boston.

So far as the writer has been able to learn, the Massachusetts legislature has enacted nothing of interest concerning anatomical science since 1857.

We have already noticed the provisions of the Act of 1784, concerning the dissection of dead duellists. The Act of 1784 was repealed March 15, 1805, when the following was enacted: . .

"Justices of said court, before whom the conviction shall, in cases of murder committed in a duel, and in other cases, may, at their discretion, further sentence and order the body of such convict to be dissected and anatomized."

In chapter 125, section 2, page 716, Revised Statutes 1835, we find no mention of "murder committed in a duel;" but we do find that "in every case of a conviction of the crime of murder, the court may, in their discretion, order the convict to be dissected, and the sheriff shall deliver the dead body of such convict to a professor of anatomy and surgery in some college or public seminary, if requested; otherwise it shall be delivered to any surgeon who may be attending to receive it, and who will engage for the dissection thereof." The last revision of the Massachusetts statutes contains the above provision for the dissection of a dead murderer's body, practically unchanged, excepting this saving clause: "unless his friends desire it for interment."

The Massachusetts Anatomy Act of 1831, was productive of results in two directions; it lightened the burdens of the teachers of anatomy in that State, and it led to the enactment of similar laws in other States. Connecticut passed a liberal Act, modelled on that of Massachusetts, June 5, 1833, but repealed the same June 5, 1834. New Hampshire legalized anatomy in 1834, but rescinded its action in 1842. Michigan passed "an Act to facilitate the study of anatomy," March 9, 1844, but repealed it April 7, 1851. New York is entitled to the place of honor next to Massachusetts, on the list of States which have consistently endeavored to promote anatomical science. The New York law of April 1, 1854, has never been repealed; on the contrary, it has been improved, notably by the amendatory Act of June 3, 1879.

Referring to the Massachusetts law of 1831, as amended in 1845, Dr. John C. Warren says: "The Superintendent of the House of Industry opposed great difficulties to the execution of this law; but he dying in 1847, an ample supply was obtained for the medical school afterwards, particularly in consequence of the influx of Irish paupers, and the great mortality among them." Concerning the working of the same law; Dr. George Hayward, writing in 1855: "The supply has not been, perhaps, as great as could be wished; but, with the increase of population and pauperism, this objection will pass away." We doubt, if in the judgment of the anatomists of the Harvard Medical School, "this objection"

has "passed away." We incline to the belief that "with the increase of population and pauperism," there has been, at least, an equal increase of demagogues, and that no class of men in Massachusetts have a more realizing sense than have its anatomists of the relation existing between eternal vigilance and the price of liberty.

The city government, of Boston, November 3, 1869, ordered "that permits be issued by the city clerk, until otherwise ordered, to the surgeons of the Harvard Medical School to take the dead bodies of such persons dying at Deer Island, or the House of Correction, the County Jail, or City Hospital, as may be required to be buried at the public expense." The statutory restrictions concerning the delivery of unclaimed bodies are embodied in the remainder of the ordinance. The anatomists of Baltimore, Washington, and New Orleans, might fairly consider this Boston ordinance a liberal one, for they are still obliged to dissect without legal warrant, or not at all. On the other hand, in Germany or France, where for years the dissecting rooms have been furnished with the unclaimed dead by the police, this ordinance would, unquestionably, be considered imperfect and illiberal.

It is unfortunate that American anatomists are forced to dance attendance upon public functionaries for "permits;" as they are thereby put in the false position of seeking as a personal favor what ought to be furnished them for the furtherance of the public welfare. Possibly, the time is not yet ripe for the Massachusetts anatomists to demand that the unclaimed dead of Springfield, Fall River, Worcester, Lowell, in short, the entire State, as well as of Boston, should be delivered to them at their dissecting rooms; but such a consummation is none the less devoutly to be wished. Massachusetts led off in legalizing the dissection of bodies required to be buried at the public expense. Would that she might inaugurate an administrative reform which should prevent the present wasteful decomposition of valuable material at the bottom of graves, and preclude the necessity which requires one who is bent on thoroughly learning practical anatomy in all its branches, to seek the anatomical institutes of Europe.

The legal status of anatomy in America, at the beginning of the century, is well illustrated by the Connecticut Acts of 1810. At the May session of that year, it was made punishable, by a fine of at least one hundred dollars and imprisonment in the county

jail for at least three months, for any one secretly to disinter the body of any deceased person for the purpose of dissection, or in any way to aid in so doing, or knowingly "to assist in any surgical or anatomical experiments therewith or dissections thereof." At the October session it was enacted that there should be a "medical institution of Yale College," one of whose four professors should teach anatomy, surgery, and midwifery; and that, as speedily as the college funds would allow, a collection of anatomical preparations should be provided.

The Massachusetts Act of 1784 only authorized dissection of dead duelists as a mark of infamy; therefore, the New York Act of 1789 must be considered as the first American anatomy law. This Act was passed the year after the famous "Doctors' Mob" in New York city, and is entitled, "An Act to prevent the Odious Practice of Digging up and Removing, for the Purpose of Dissection, Dead Bodies interred in Cemeteries or Burial Places." It comprises two sections. Section I. provides that any person convicted of removing any dead body from its place of sepulture, for the purpose of dissection or with intent to dissect, or of dissecting or assisting to dissect, such body, "shall be adjudged to stand in the pillory or to suffer other corporal punishment, not extending to life or limb, and shall also pay such fine and suffer such imprisonment as the court shall in their discretion think proper to direct." In Section II. it is further enacted, "In order that science may not in this respect be injured by preventing the dissection of proper subjects, that when any offender shall be convicted of murder, arson, or burglary, for which he shall be sentenced to suffer death, the court may, at their discretion, add to the judgment that the body of such offender shall be delivered to a surgeon for dissection." Massachusetts made the first considerable improvement on this New York Act when in 1831, it passed a statute authorizing, under certain restrictions, the delivery to the anatomists of the unclaimed bodies "of deceased persons required to be buried at the public expense."

Enactments similar to the New York Act of 1789, Section I., have since been passed by the following States: Alabama, Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas,

Vermont, Virginia, West Virginia, and Wisconsin. Of the above-mentioned States, Kentucky, Oregon, Rhode Island, Texas and West Virginia have no anatomy Acts; while Rhode Island, Texas, and West Virginia have no medical schools. The laws of nine States, namely, Colorado, Delaware, Florida, Louisiana, Maryland, Nevada, New Jersey, North Carolina, and South Carolina, are, so far as the writer has been able to learn, silent regarding grave-robbery. While the Territories of Dakota, Utah, Washington, and Wyoming have laws for the protection of sepulchres, the District of Columbia has no such law, although one was inserted into the proposed code of 1857, which failed of adoption.

The second section of the New York Act of 1789 has developed into the Acts of twenty-four States. The following-named States have legalized dissection: *Alabama, *Arkansas, California, *Colorado, *Connecticut, *Georgia, *Illinois, *Indiana, Iowa, *Kansas, *Maine, *Massachusetts, Michigan, Minnesota, *Missouri, *Nebraska, New Hampshire, *New Jersey, *New York, Ohio, Pennsylvania, *Tennessee, Vermont, and Wisconsin. The States whose names are starred in the above list make specific provision for the dissection of the bodies of certain deceased criminals, chiefly murderers. It is to be remarked that some of them make no other provision for anatomical science. The Acts of the following States may be termed fairly liberal: Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, and Wisconsin.

The Acts of Alabama, Colorado, Georgia, Maine, Missouri, Nebraska, New Jersey, Tennessee, and Vermont are illiberal.

In 1869 Maine enacted "that when any person convicted of crime dies or is executed in the State prison or any jail, the warden or keepers shall, on request, deliver his body to instructors in medical schools established by law." In February, 1876, capital punishment was abolished; so that at present in Maine it is legal to dissect only the body of a person who "requests during his life that his body may be delivered to a regular physician or surgeon for the advancement of anatomical science, after his death, unless some kindred or friend within three days" asks to have it buried; or the body of a convict who has not at any time requested to be buried, and whose friends and kindred fail for three days after his death to ask for his burial.

The statute of Tennessee, unless it has been repealed since 1871, is quite as liberal as that of Maine. It provides that no penalty shall "apply to regular physicians to whom the bodies of criminals are delivered pursuant to law, or to dissection of slaves by consent of their masters, or of other persons by consent of their relatives."

The New York Act of June 3, 1879, may be instanced as a type of the liberal class of American Acts. It reads: "It shall be lawful in cities whose population exceeds 30,000 inhabitants, and in counties containing said cities, to deliver to the professors and teachers in medical colleges and schools in this State, and for said professsors and teachers to receive, the remains or body of any deceased person for the purposes of medical and surgical study: provided that said remains shall not have been regularly interred, and shall not have been desired for interment by any relative or friend of said deceased person within twenty-four hours after death; provided, also, that the remains of no person who may be known to have relatives or friends shall be so delivered or received without the consent of said relatives or friends; and provided that the remains of no one detained for debt, or as a witness, or on suspicion of crime, or of any traveller, nor of any person who shall have expressed a desire in his or her last sickness that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner; and provided, also that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend they shall be given up to said relative or friend for interment. And it shall be the duty of the said professors and teachers decently to bury in some public cemetery the remains of all bodies after they shall have answered the purposes of study aforesaid; and for any neglect or violation of this provision of this Act the party so neglecting shall forfeit and pay a penalty of not less than $25 nor more than $50, to be sued for by the health officers of said cities, or of other places, for the benefit of their department." An earlier law of New York forbids all traffic in subjects, or any use of them, except for anatomical purposes, under penalty of imprisonment in jail for not more than a year.

To summarize the legislation from 1789 to 1879, we may say that twenty-four States allow dissection; fifteen States have liberal anatomy Acts, while nine have illiberal ones; the laws of fourteen

States are silent regarding anatomy, excepting their laws on mal-practice; twenty-eight States forbid the desecration of graves, while the laws of ten States are silent regarding it; the laws of six States are silent touching both dissection and disinterment; Dakota only of the eight Territories allows dissection; four Territories forbid exhumation, and four have no enactment regarding it; twelve States and one Territory require the burial of *cadavera dissecta*.

The District of Columbia occupies a unique position among the capitals of civilized States in that the studies of its anatomists and the graves of its dead are alike unprotected by statutory enactments. The United States government sends Washington resurrectionists to jail when it can; but it has recently utilized in the examinations before the Navy Board, in the city of Washington, as many as twelve subjects, which could be procured by stealth only.

The most elaborate, the most liberal, and also the most stringent of the American anatomy Acts have been passed within the last five years. Those of Indiana, Ohio, and New York, were passed in 1879. The amended Iowa Act of March 26, 1880, is, so far as the writer can learn, the latest American anatomy Act.

The writer has endeavored to ascertain some facts as to the amount and cost of the dissection done in our American schools. There are no statistics on the matter. The following statement, based on the figures of the forthcoming report for 1878 of General Eaton, United States Commissioner of Education, and on such data as several of our prominent teachers of anatomy have kindly furnished, is put forth as a provisional one, in the hope that anatomists interested in the matter may coöperate to make it a full and accurate one. The total number of medical students of "all sorts" in the United States in 1878 was 11,837, showing an increase of 4894 since 1870. Of these 8286 were in attendance upon 915 instructors in 64 "regular schools," in 23 different States and the District of Columbia. In 9 States with liberal anatomy laws there were 22 schools, with 440 instructors and 4643 students. In 6 States and 1 district, with 14 schools and 141 instructors, there were 1337 students unprotected by law in the study of practical anatomy. In 8 States with illiberal or insufficient laws there were 27 schools, with 334 instructors and 2306 students. Kentucky, with 4 schools and 509 students, had

no law. Ohio, with 7 schools and 877 students, had an illiberal law. The District of Columbia had 158 students in 3 schools, also 1 President of the United States and 1 Congress ditto, but no anatomy law. Maryland, with 2 schools and 349 students, Louisiana, with 1 school of 147 students, and South Carolina, with 1 school and 71 students, had no anatomy Act, and no statute forbidding disinterment.

During the winter 1879-80, in seven medical schools, in five different States, there were 1566 students in attendance, of whom 1124 dissected, and 628 dissected more than one part. On the average the dissection of two parts is required for a degree. The average cost of "a part" was $1.79, the extremes being $3.50 and nothing. The demonstrator's ticket is not reckoned in the cost per part. There were used 392 subjects, at an average cost of $14.42 to the schools. The extremes of price for subjects were $3.00 and $50.00. Usually 5 students dissect on a single subject, but in one school 8, and in another 10, students work on the same subject, alternately reading and dissecting. Of the 392 subjects used, not more than 36 were used by students in making surgical operations on the cadaver. Three of the seven schools claim to prescribe such a course of operations; but, judging from the number of students who took it, it is a medical rather than a legal prescription. Of the 1124 students who dissected, 465 using 133 subjects, were unprotected by law in so doing. On the basis indicated above, it is computed that the 8286 students of the regular schools in 1878 should have had at their disposal 2058 subjects. The official returns show that in France, in 1876, there were 3463 subjects at the disposal of 5624 students.

We have traced, thus far, the course of practical anatomy in America from the time of Giles Firmin till the close of the last century; and have considered in a more detailed way the development of what may be characterized as the most typical of the American anatomy acts, namely, the Massachusetts law. The same obstacles of prejudice and apathy which beset the anatomists of our younger States, have been operative in every land where anatomy has gained a foothold, since the days of Ptolemy. It would be interesting to attempt to analyze the popular prejudice against human dissection, which is a strange compound of pagan superstition, Christian materialism, and an innate aversion to the morals, aims, and manners of the average American medical

student. Such an attempt would take us too far afield. It is note-worthy, however, that anatomy has flourished chiefly under the rule of princes and prelates. Anatomists have usually found republics, to say the least, ungrateful. We ought not to be surprised, therefore, when we consider American anatomy acts as a class, to find certain of our States no more enlightened in this regard than was France when Vesalius had to contend by night with vultures and prowling dogs for the carcase of the murderer or the suicide. The utmost help that several of our States give to anatomists is the occasional gift of the body of an executed malefactor; while others of them have not attained even to that mediæval stage of generosity.

The radical difference between European and American medical education results from the woeful lack, on this side of the Atlantic, of the well-considered, consistent, and responsible State supervision exercised over the teachers, students and practitioners of medicine in most European countries. In no department of medical education is this difference more strongly marked than in that of anatomy. It is equally clear whether we consider the training and attainments of the teachers, the amount of practical knowledge required of the students, or the laws regulating the supply of material in this department.

It is no less certain that the German and French schools of anatomy outrank the British, than that the latter outrank the Americans. While one might, from sources to be found in the libraries of Washington, Boston, and Baltimore, trace the development of the French laws concerning the cadaver; the writer finds it impossible to make any detailed statement, based on authentic documents, regarding the laws which regulate the organization and maintenance of the German institutes of anatomy. It may be stated, however, that an Act which should embody the best features of the best American Anatomy Acts, while it would compare favorably with the British laws, would fall far short of the French, in point of comprehensiveness and liberality; and it is safe to say that no medical school in the United States combines the rigid requirements of Vienna and Prague, of seventy years ago, with anything like the wealth of opportunity offered today at Paris and Bonn. One who should desire to become a thoroughly expert anatomist through the dissection of the dead rather than by mangling the living, would be justified in going from America to

Germany or France simply on grounds of economy. The depopulation of American medical colleges, owing to such a cause, need, however, not be feared; so long as the present public and professional indifference to ignorance of the fundamental facts of medical science obtains.

NOTE.—A bibliography of the authorities consulted in the preparation and revision of this paper would be too volumnious for the pages of this Journal. It is, however, proper to state that all references have been verified so far as I have had access to authentic sources. In studying the Massachusetts and New York Acts, I have been able to consult original documents to a considerable extent. I have not found a single comprehensive and accurate statement in regard to the American laws which relate to the dissection of the dead, or the desecration of graves. Such statements as I have made on those topics are based upon an examination of the Revised Statutes, and of the Session Laws of the States, as found in the Law Library of Congress at Washington. The results of this examination are less trustworthy than I could wish, for the reason that the publications of many States are badly indexed, and others are not indexed at all. Next to the Library of Congress, the Surgeon General's Office Library, at Washington, has afforded me more material than any other. I am under especial obligation to Dr. J. M. Tower, of Washington, and to Drs. J. Collins Warren and S. A. Green, of Boston, for helpful suggestions and valuable data. I would also acknowledge my indebtedness for kindly assistance to the gentlemen having charge of the following named collections of books: the library of the Department of Education, Washington; the libraries of the Peabody Institute, the Maryland Historical Society, and of the Medical and Chirurgical Faculty of Maryland, in Baltimore; the Public Library, the Social Law Library, the Boston Athenæum, and the libraries of the Medical Library Association, the Massachusetts Historical Society, and the New England Historic Genealogical Society, in Boston.

BALTIMORE, March, 1881.

PAPERS
OF THE
HEALTH DEPARTMENT.

I. THE TREATMENT OF INSANITY IN ITS ECONOMIC ASPECT.

BY WALTER CHANNING, M. D., BOSTON.

(Read Wednesday, September 8.)

There is, of course, a true economy in the treatment of the insane as well as a false. Any measures, in fact, that will cure or shorten mental disease and render thereby the insane a public burden for a shorter time, may be regarded as in the interests of true economy. Such measures may be for the moment an added expense, but if they build a foundation for the more successful treatment of insanity in the future they will still serve the same end.

It must be remembered that insanity is promoted by those very conditions which are favorable to the extinction of other diseases as well as public evils. The advance of civilization, for instance, points out scientific principles which enable us to struggle successfully against, and exterminate, diseases that once we could not understand. Yellow fever is a good illustration of this point. For centuries feeble and unavailing efforts had been made to annihilate this scourge, but not until modern civilization furnished the means and science the weapons were its ravages successfully checked.

Insanity may be regarded as the residue resulting from the intellectual and moral combustion of the nineteenth century. General cultivation increases, the standard of morality improves, art and science proceed by giant strides, but still we see an increase of insanity. The direct, exciting causes of this increase cannot be analyzed here; the truth of the assertion is generally acknowledged on all sides. It is a lamentable fact that cures result less frequently than formerly; recent cases, though still curable in a large percentage, are more and more apt to end in permanent mental weakness.

How are we morally or physically weak? Why is it in this nineteenth century of refinement and enlightenment that one person out of every three hundred is doomed to become a mental wreck, a cipher, a nonentity, to be wiped off the surface of the earth?

Have we exhausted every possible means of knowledge? Cannot something still be done to avert this black cloud of intellectual decay? These are questions of vital importance to every one, and must be weighed with care and attention. There is evidently some very grave defect in this great social fabric of which we are all members, and to discover its true nature becomes daily a more important duty. The truest economy then that can be established in the treatment of the insane, will be one that traces insanity back to its origin and saves future generations from its terrible infliction.

To understand what insanity really is and how caused we must, in the first place, understand the laws of moral and physical health, of which we are now sadly ignorant and neglectful. Medical men should be the teachers of these subjects, but it cannot be denied that they also are very imperfectly grounded in them. Of all branches of the science of medicine, psychology, or the science of moral and intellectual health, is least taught and least understood. If physicians possess an extended knowledge of insanity we shall be taking one of the most important steps toward disseminating a knowledge which in the end must open the eyes of the public and materially aid in its extinction. Good care will effect much in the treatment of insanity, and thirty to forty per cent. of recoveries is, at present, obtained in insane hospitals; but its prevention is a matter of more vital importance. Physicians have an extensive acquaintance with the personal histories of most of their patients; they are the ones to whom are confided the trials which beset the family, the weakness of its individual members, and other affairs which are generally regarded as family secrets. Furthermore, when they have been in practice for several years they have had an opportunity to watch their patients through the various stages of development, and in that way to become possessed of a knowledge of their character which no one else but the parents can have. In treating mental disease such knowledge must necessarily be of great assistance not only in the treatment, but also in the prevention. With this understanding of mental and physical peculiarities, and extended and accurate knowledge, the physician has within reach the most powerful weapon for combating insanity. The difficulty thus far, however, has been that he is not conscious of the power he might wield, for the very reason that his attention has not been turned in this direction. It is here that the study of psychological medicine would supply the necessary stimulus, and impart knowledge which

will serve as a foundation for those efforts which must be put forth to struggle with this overpowering disease. In the interests, then, of the true economy of insanity, it will be my object in this paper to urge the importance of the study of psychology, or psychological medicine, by medical men.

Any one, who, ten years ago looked in upon a class of listeners attending the lectures of a teacher of mental diseases, would have been struck by the sparseness of numbers and lack of attention displayed. Perhaps for the first few lectures the attendance would be good, but after a short time it would fall off and become almost nothing. This was not much to be wondered at, as the subjects under discussion were treated in a manner characteristic of the lecturer of fifty years ago. My mind reverts to the teacher that I had the fortune to follow through a short course of lectures. He was a man of good mind and of a wide local reputation, but his studies had been pursued a quarter of a century before, and, outside of the relation of numerous cases, he had little to say that was not to be found in the treatises of Esquirol, Pinel, and Bucknill and Tuke. These names were constantly resounding through the room, and if I chanced to enter late, or leave early, the first or last sound that fell on my ear was one of these names. The subject of insanity seemed to be enveloped in a cloud of Esquirols, and this impression has been almost the only one retained, though I attended the course with a sincere desire to learn. Since the time to which I allude, the standard has undoubtedly been a little raised. More medical schools furnish courses of lectures on mental diseases, and the lecturers are actuated by a more earnest desire to give instruction that shall materially benefit the student; at the same time, however, the change has not been great enough to keep pace with the general advance of medical science. The name of Esquirol is now succeeded by those of Griesinger, Meynert, Westphal, a few other German writers, and a regulation list of English authors, and the courses of lectures are lengthened, but these changes are nearly all that we can record. When we look at the French and German schools and see the pathological and clinical investigations recorded in the courses of lectures and recitations in mental diseases, we are surprised at our own puny efforts. The introductory lectures, even, to some of these courses, show that they have received more study and attention than is bestowed on a whole course of American lectures. Yet Germany and France are far from being satisfied with their present achievements.

As a preliminary to the study of psychology, the student should have a thorough knowledge of brain anatomy and histology. The brain should not be simply an organ weighing forty-eight ounces, divided into hemispheres and convolutions, containing a few ventricles and giving off certain pairs of nerves, or a *terra incognita*, as is now the case. After understanding the brain, the various terms used in psychology should be made so familiar to the student that they could be used without a mental effort to call up their signification. Furthermore, the pathological appearances of the brain should be well understood from frequent dissections, both macroscopically and microscopically. In connection with this special knowledge of the brain, there should be combined a knowledge of the spinal cord and nerves.

A proper course of psychological medicine should extend over a period of two years,—recitations and not lectures being the form of instruction. These should be held two or three times weekly during the school terms. I think it is now pretty generally allowed that lectures are not by any means the best method of instruction, especially where the student is obliged to daily assimilate a large amount of new knowledge. It is impossible to concentrate the attention closely hour after hour on lectures often dull and prosy. Furthermore, the knowledge so acquired is piece-meal, fragmentary and hazy in the student's mind; he has no means of definitely knowing how much he has learned. Not one lecturer out of ten, on medical subjects, has the gift of an interesting delivery, and this is not strange, since lecturers are selected for their knowledge of the subject, alone. In recitations the mutual relations of the teacher and student are quite changed; the student now becomes a cross-questioner instead of a dumb listener, thereby very effectually stimulating the teacher to put forth real strength to supply knowledge. By means of recitations a poor teacher is very soon discovered and disposed of, but a poor lecturer may be allowed to drag his slow length along for years.

The course should begin with a general study of man in his social relations, and the character of the healthy individual should be considered from as many points of view as possible. The student should acquire the habit of weighing character and disposition, and should have extended ideas of the best means of training and developing the human mind. The progress of civilization should be carefully analyzed for the purpose of discovering why

those causes which tend to elevate and purify the soul, destroy or weaken the mind. We often hear moral philosophy laughed at and spoken of as being of little service as a means of investigating mental disease; but it seems to me that in order to grasp the subject of insanity thoroughly we must endeavor to understand purely psychical phenomena as well as physical manifestations.

The best text-books, whether in English, French, or German, should be selected to read and recite from. The student should become practically acquainted with all the various forms of mental disease; the various departures from health being demonstrated and contrasted with types of perfect health; the slight shades and differences being carefully portrayed. Take a single individual case of melancholia. The subject's whole history, as far back as could be ascertained, should be detailed, his character carefully analyzed, and the slow progress of mental impairment traced step by step. It should be the endeavor of the teacher to find out every possible cause for the attack, and to so demonstrate the case that the student should have in his mind a clear picture of this type of disease, and of the causes—intellectual, moral and physical—which have served to develop it. By a full understanding of all these data, he would be enabled, when in practice, to defeat the earliest indications of a departure from health, and perhaps to avert a threatened attack of insanity.

To accomplish these results in the medical school, a material change in the methods of working in the insane asylum will be a necessity. As arranged now, superintendents have very little time for scientific work. Having myself lived in insane asylums, and knowing how arduous the routine work of the institution can be made, it is not difficult to understand how the medical officers can pass nearly their entire time in attending to this routine work. This department of asylum life is, no doubt, engrossing, but it is certainly making but little use of the material offered, for scientific purposes. The fact is, the scientific side of the work is partially lost sight of, as a consequence of a state of lethargy that exists to a greater or less extent in insane hospitals. These are very comfortable homes in every way, but hardly hospitals in the highest and best sense of the word. Why this apparent condition of lethargy has fallen on the superintendents, may be explained in this way: Forty years ago, a brilliant galaxy of specialists were to be found managing our insane asylums. Among them were Brigham,

Bell, Kirkbride, Earle, Awl and Ray; Dr. Jarvis was also working in the same field, though conducting a small private asylum. These men found reforms needed in many directions, but especially where the bodily comfort, and, therefore, the hygienic treatment of the body was concerned. Hence, they set themselves to work erecting buildings on improved plans, and in every way labored to furnish the individual care and attention, and the comforts of life, which before had been very nearly unknown in the treatment of insanity. It was a noble task, and required persistent fighting against public opinion, and was undoubtedly the special work which at that time could best promote the interests of the insane, and it should, and does, command our admiration. Not alone, however, in this practical direction was it that these men turned their attention; for the scientific work done by some of them remains, up to the present time, unequalled. Dr. Ray's work on "The Jurisprudence of Insanity," is one of the best extant; and Dr. Brigham wrote a very able book entitled, "An Enquiry concerning the Diseases and Functions of the Brain, Spinal Cord and Nerves," published in 1840. We are impressed by the scientific tone of this book, which gives one the impression that Dr. Brigham was a seeker after knowledge by practical investigations. For instance, in Section II., he says, "Is there any method by which we can determine the functions of different parts of the brain? If we were to judge from the vast amount of labor and thought that have been bestowed upon this enquiry, and consider how little has been ascertained, we might almost despair of succeeding by any further researches; but when we call to mind that within a few years some new and important facts have been made known,—far more than for centuries previous,—we ought to be encouraged to continue our enquiries." Dr. Brigham proposes the following methods for determining the functions of the brain:—

1. Chemical Analysis.
2. Dissection of the Brain.
3. Experiments on Living Animals.
4. Comparative Anatomy.
5. The Fœtal Condition and Growth of the Brain.
6. Pathological Observations.
7. External Examination of the Cranium.

We must certainly give Dr. Brigham the credit of being very much in advance of his time, for even now the number of hospitals

in this country, where the methods of research suggested by him are followed, is very small.

In speaking of this celebrated coterie of men, Dr. Edward Jarvis and Dr. Pliny Earle should not be forgotten. As a statistician, Dr. Jarvis is unsurpassed, and Dr. Earle, as a profound thinker and sound logician, has no equal among mental experts in this country. By his careful analyses of facts and figures, he has made discoveries which have given him a world-wide reputation, and placed him high in the rank of scientific men. His revelations of the fallacy of insane asylum statistics, have thrown a flood of light on the subject of the curability of insanity, and although all his deductions may not seem absolutely to follow his premises, they have already served to make hospital authorities more careful and accurate in compiling their annual tables.

The natural reaction from the achievements of these men, has been the lethargy, which I have already referred to. As is often the case, the victories of the strong have been followed by an era of rest, in which a race of weaker men have succeeded the victors, and been satisfied to continue the methods established by them. In so doing, they have lagged behind the rest of the scientific world, and now find themselves a long distance in the rear. It is hard for them to acknowledge that such is the case, but by a few individual efforts, we are made aware that there is an inner consciousness of the fact.

The times, then, demand that those very means of scientific investigation suggested by Dr. Brigham should be put into immediate use. Not only the state of scientific knowledge, but the very poor results obtained at present in the treatment of insanity, necessitate some changed form of treatment. To repeat the very often quoted words of Dr. Thurnam: "Of ten persons attacked by insanity, five recover and five die, sooner or later, during the attack. Of the five who recover, not more than two remain well during the rest of their lives; the other three sustain subsequent attacks, during which, at least, two of them die." Bucknill and Tuke modify this opinion in the last edition of their work (1879) by saying, "It would be more strictly correct, to say of eleven persons attacked by insanity, six recover and five die sooner, or later during the attack. Of the six who recover not more than two remain well during the rest of their lives; the other four sustain subsequent attacks during which at least two of them die."

The lack of time is the reason now generally assigned for the small amount of scientific work done in insane asylums. Clearly then, more time must be made a necessity, and as most asylum managers cannot be expected to realize the importance of allowing it, superintendents must ask for it, until their requests are acceded to. Superintendents can obtain more time at present by doing less general supervising, and employing larger staffs. In this connection the words of Clouston can be profitably remembered, namely that "it is the patient's turn for an innings now." We have heard of nothing but bricks and mortar, ornamentation and recreation, in asylums for twenty years; it is surely time to fall back on our almost forgotten employment of doctors. No doubt it is easier for a superintendent to carry on a hospital where he himself attends to the various details. While I do not think that the power should be taken away from him, it should be so largely done by the steward, that he should, as a rule, know nothing of the details, being appealed to somewhat as a Board of Managers now is. A standard should be preserved, but it should be medical; the superintendent, attending to professional duties alone, would naturally look into every department of the institution, but he should call the steward to an accountability. The latter should be the superintendent of household details. This new system of management might at first be difficult, as a somewhat similar system has been in times past, but let the superintendent have full authority, and he need not clash with the steward; the steward must stand second.

The staffs of assistant physicians could be increased, partly by the addition of paid assistants and partly by the employment of unpaid *internes*, appointed for terms of two years. This would be a means of relieving both the superintendent and assistants of much routine work. Instead of six hours of office work to two of ward duty, it would be directly reversed. Letters innumerable are now written and the greatest variety of school-boy details attended to by assistants, which might be equally well done by *internes*. Then, too, those often maligned clinical records could receive adequate attention. I have been surprised to find how little interest is taken in recording cases by some superintendents.

Dr. Von Steinen, a recent visitor to this country, has recommended among other suggestions, that superintendents should be appointed for a period of two years. I think this plan worthy of trial, though with our limited number of scientific medical men,

who would desire to take hospital positions, it would seem uncalled for to turn out a really good man who had assumed the position, and replace him by some one totally inexperienced. Such changes made too often would not be beneficial to the insane themselves.

Von Steinen lays stress on the importance of using our hospitals more for purposes of clinical instruction. The necessity has already been appreciated by many Americans, and undoubtedly, in the near future, hospital advantages will be made much more available. At present most insane hospitals are so far away from medical schools that they are reached with difficulty. It will undoubtedly be advantageous to have insane departments connected with the large city hospitals. In Boston, for instance, we feel the urgent need of such a department, since cases of insanity developing sudden violence are liable to be removed to the *Tombs*, and put into cells which are anything but proper places for the sick. To be sure, cases are now taken to our City Hospital, but there is no especial provision for them, and they may therefore create much trouble and confusion. We should have a separate building, on our City Hospital grounds, for the treatment of about fifty cases of insanity. Persons should be sent to this department for examination and early treatment, and there detained until in a fit condition to be transferred to one of the State hospitals. The material at this institution should be available for medical students, and the professor of mental diseases should either have charge of it, or be a visiting physician.

The importance of the study of the pathology, or morbid anatomy of insanity is very great. This branch has as yet received only limited attention in this country; yet there is no field in which there is more opportunity for brilliant work than in this. The specialty could make a reputation for itself in this one direction alone. We now find not more than a half dozen insane hospitals carrying on systematic pathological work. There are several reasons for this state of affairs. One is the want of time, to which I have already referred; another a lack of interest, and the third a lack of training. I have shown how more time may be obtained. The lack of training is also a serious obstacle to overcome. Medical education and insane hospital training have been of such a character in the past that the men who occupy the superintendencies, and, as a rule, their assistants, are unfitted to undertake pathological work. Therefore until the standard is raised paid special pathologists

should be employed. Not *amateur* pathologists with a host of other duties to attend to, but able, skilled men, who will devote their whole time to the work.

In small States, such as Massachusetts, the following plan, which I have recommended in a recent number of the *Boston Medical and Surgical Journal*, could be made to work successfully. The proper man having been found, he should be appointed State Pathologist, at a large salary, and give his whole time to his duties. He should each year reside in one of the hospitals. At the first one, he should make frequent autopsies, found a pathological laboratory and cabinet, and give frequent instruction to the medical officers in pathology, and the use of the microscope. The second year he should move to a second hospital, retaining general supervision of the first. By such an arrangement it is probable that he could establish a sufficiently good method which would enable the medical staffs to conduct the work themselves. With the knowledge which would then be possessed by the latter, valuable instruction could be given to students and the rich hospital material made properly serviceable. The pathologist would, of course, vastly improve the clinical records, for on their accuracy would largely depend the value of his deductions. In the future they should be mines of valuable information full of statistical data. Each patient should have his whole history recorded, while an inmate of the hospital, so that after his discharge it would present a tolerably complete picture of his disease and treatment while in the hospital.

II. ADULTERATIONS OF FOOD.

BY PROF. S. W. JOHNSON, OF YALE COLLEGE.

(Read September 9.)

Playing tricks upon our fellows is, statistically considered, a necessary element of human life, which no more can be eliminated from the sober and serious affairs of society at large than from the merry intercourse of children. Men are not only tempted by the pressure of poverty, or the love of luxury, to covet their neighbors' goods, and to enrich themselves unduly and unlawfully at their neighbors' expense; but they learn, or cannot unlearn to love cheating and abusing for the simple fun of the thing, and pursue brigandage in Greece, highway robbery in California, or hardly concealed adulteration of food and drink in London, not merely as a business to fatten upon, but as an entertaining occupation which, when the law undertakes to make it contraband, has in that circumstance an added zest.

Cheating in a bargain is so common that we accept a certain amount of it as a part of our statistics, and charge it regularly to the account of profit and loss. Since, perhaps, the largest number of our commercial transactions relate to the purchase and sale of food, — including condiments, which are as essential to the excitements of high civilization as food itself, and not excluding "drinks," which to the rapid civilizer are both food and spice, — it is natural, or inevitable that food, condiments and beverages, should afford a broad, productive and thoroughly worked field for cheating and falsification.

To read the many undeniably authentic, and the many more apparently true accounts of the tricks that are stated to have been practiced upon human food, here and there, formerly and recently, is really a shock to one unprepared for the dismal story. The revelations of the experts who have studied these matters, are of a sort to exasperate and enrage any honest citizen. Worse than that, they not only convince us that a great deal of other people's food is fraudulently made unfit for any human stomach, but they actually unfit our own stomachs, temporarily at least, for any food whatever.

A word as to the meaning of the term *adulteration*. It signifies debasing, corrupting, vitiating, falsifying or sophisticating by

mixture with baser materials. Etymologically the word appears to have originally meant the altering of anything by adding something else, and might easily have been written *adalteration;* but in its accepted sense and form it implies an altering that is fraudulent and injurious,—a tampering that, in the case of food, either cheats the consumer out of a part of his money, deprives him of a portion of the nutriment or the satisfaction he has a right to expect, or, worst of all, actually undermines his bodily health, and poisons by what should nourish and strengthen.

It is evident that there may be very slight and very harmless additions to food of matters not properly or not strictly belonging to it that cannot be regarded as adulterations in any other than a linguistic sense,—"adalterations" that cannot be made the basis of a legal complaint or cannot be punished by the judiciary tribunals, cannot in fact be the subjects of a legislative statute.

Again, certain additions to food that were originally fraudulent and gross adulterations, having been practiced without complaint for a long time, have acquired the sanction of use which exempts them from the charge of falsification or even makes them fairly respectable. The use of chicory in coffee is said to have been first practiced in Holland about a century ago, and for many years was a strictly-kept trade secret. When divulged it was, as it still is, denounced by many as a fraud, but many others had got to regard coffee mixed with chicory or chicory mixed with coffee as an improvement on the pure beverage. In consequence, chicory is now a regular and legal article of trade, and the manufacture of "package coffee," which always contains some and usually much of this material, is a business from which rather respectable people draw very respectable profits.

Knowledge of the nature and extent of the food-adulterations that have been is the first requisite in protecting ourselves from those that are or may be; and here follows a brief account of some of the most conspicuous falsifications which are said now to be or recently to have been practiced on a few common articles of diet.

The statements here made are many of them correct beyond question, others are given on what passes current as good authority, but the writer cannot in all cases vouch for their truth.

Wheaten flour, which makes the most palatable and nutritious bread, has long been the subject of falsification. The most usual and most harmless adulterations have been the flour of other

cheaper grains or seeds. Flour of rice, of barley, of peas, beans, buckwheat, and of doura or Egyptian millet, it is said, has been thus employed in England. It has long been a habit of many good housewives to add a small proportion of boiled potatoes to their wheaten dough in making bread, and this and similar mixtures are entirely proper in domestic bread so long as those concerned are satisfied; but in the hands of the British bakers, if we may credit English authors, the same practice has been adopted for the two-fold purpose of employing a cheaper flour and of retaining a greater percentage of water in the loaf. This mode of extorting larger profits from the public is justly regarded as an adulteration and a swindle.

A curious feature in British bread-adulteration is presented in the history of the so-called "cones flour." This is supposed to have been originally the flour of a particular variety of wheat which was sold to bakers for the purpose of dusting their kneeding troughs, as well as the fashioned loaves to prevent the dough from sticking where it was not wanted. It is evident enough that any flour that is fit to make dough of is suitable to restrain the adhesion of that dough, and what the peculiar merits of cones flour once were cannot be clearly made out. But cones flour, or "cones," as the bakers termed it, was speedily made the means of turning a multitude of dishonest pennies; and its sale and consumption increased enormously until some master bakers directed their journeymen to mix a bushel of cones with a sack of flour,—more than enough to fully test the "dusting" power of the "cones," one would suppose. In short, it appears that "cones" became the trade name of an article which was represented to have qualities serviceable in the manipulation of the baker's shop, but which was really a cheap and inferior flour, valuable for putting money in the pockets of miller and baker and for dusting the eyes of police and health officers. We may well imagine that when the millers began to commend cones to the bakers as an "artful dodge" to further the interests of the trade, the former represented pretty truly what was the real nature of cones at that time, and the bakers most likely thought that an invention which would enable them to get adulterating material under a respectable name was well worth paying for. So the millers thought, too, and soon cones became anything that would swindle the public and, if possible, the bakers also, and contained no wheaten flour at all, but was a mixture of the cheapest materials that could pass muster as a breadstuff.

It should here be remarked that Great Britain is the historic field of food-adulteration, because it has been the most fervent centre of all industries, of all commerce, of all modes of money-getting, and because the English people from ancient times have been the stoutest champions of personal liberty and free trade. So it has happened that those sovereigns or ministers who have tried to hamper industrial enterprise with burdensome restrictions have had an unhappy time of it, and the strict systems of inspection that have quite steadily ruled in other European countries have had weaker and intermittent hold on the British counterfeiter and corrupter.

In the reign of King John (1203) there was a proclamation throughout the kingdom for enforcing the legal obligations of assize* "as regards bread," and in the following reign (Henry III., 1266) the statute entitled "The Pillory and Tumbrel" (ducking stool) was framed to protect the public from dishonest dealings on part of bakers, brewers, vintners, butchers and others. This was the first statute or legislative enactment in which adulteration of human food is specially mentioned and prohibited. This statute was enforced with varying strictness for nearly 500 years until, in Queen Anne's reign (1710), it was repealed.

Since free trade was adopted in England that country has been the head centre of all kinds of adulteration. In 1860 the British Parliament began a series of enactments to prevent the adulteration of food, drink and drugs, and in consequence of the investigations that accompanied these enactments a large mass of literature on the subject of food-adulteration has been published in the English language. This literature consists in the record of the researches of scientific men and in testimony elicited in the courts from experts and detectives, as well as from adulterators grown rich enough to retire from business or induced by prospect of greater profits to turn state's evidence.

To return to bread-adulteration, the use of bean flour is said to have been resorted to in order to give due tenacity and lightness to bread made from damaged wheaten flour. Boiled rice was employed to increase the quantity of bread to be obtained from a sack of flour. A sack of two hundred and eighty pounds should yield, according to Letheby, ninety-five four-pound loaves; but

* By "assize" was meant regulation of the weight, quality and price of bread.

by adding three or four pounds of rice, boiled for several hours in as many gallons of water to the flour, at least a hundred four-pound loaves can be got,—a gain of twenty pounds of bread, or more than five per cent. By this use of rice or of boiled potatoes, which, being nearly pure starch, are perhaps even more effectual than rice, the bread is indirectly adulterated with water.

Inferior flour is produced in immense quantities from grain damaged by incomplete growth, by injury from wet in the harvesting or storing, by incipient sprouting, mould or mustiness, as well as by the presence of the seeds of other plants. Flour itself once good is damaged in transportation and in storage. The endeavor to make an apparently good bread from cheap or even damaged flour is probably the reason why certain chemicals have been widely used in the making of bread.

Liebig states in his "Letter on Chemistry" that "the bakers of Belgium discovered twenty (now sixty) years ago how to bake from damaged flour by adding sulphate of copper, a poison, to the dough, a bread in appearance and external properties as fine as from the best wheat flour. Alum has the same effect as sulphate of copper; when added to the dough it renders the bread very light, elastic, firm and dry, and the London bakers in consequence of the demand for white bread have been compelled to add alum to their flour. I saw (in 1840) in an alum manufactory in Scotland little mounds of finely-ground alum, which was destined for the use of London bakers."

To conceal its true nature, the powdered alum used to bear the trade-names "hards" and "stuffs."

Hassall not long ago asserted that "alum is used in bread-making nearly all over the United Kingdom." The proportion of alum used in England is said to range from three to twelve ounces to the sack of two hundred and forty pounds, according to the quality of the flour. These quantities have been sometimes exceeded, it would appear, for not only does the baker put alum with the flour he buys, in order to deceive his customers as to the quality of the bread, but the miller or flour dealer mixes alum into the flour he sells to deceive the baker.

However happy the effects of alum may be in improving the appearance of the bread and swelling the profits of miller and baker, the effects upon those who are obliged to eat such bread are liable to be most disastrous, if indeed they be not so inevitably.

A very little alum in bread may not prove immediately or seriously injurious, but no considerable amount of such a powerful astringent is required to disorder digestion and ruin health, as is shown by a vast array of competent testimony.

The use of alum in bread has not been confined to Europe. Some twenty years ago, Dr. Wetherell, of Philadelphia, examined twenty-four samples of bakers' bread of that city, and found alum in two instances. In 1873, Dr. Waller, of the Board of Health of New York, examined fifty-one samples of bakers' bread made in that city, and found six which were probably adulterated with alum and two with alum and sulphate of copper. Last year, Dr. Leeds examined a number of bakers' loaves sold in Hoboken, N. J., and in five cases found evidence of alum, which in one sample amounted to twenty-three grains to the four-pound loaf. The writer has investigated half a dozen samples of bakers' bread made in New Haven, Conn., without finding either alum or sulphate of copper. It is possible that the comparative immunity from bread adulteration under which we mostly suppose ourselves to be living is but imaginary, and that falsification is actually practiced, and remains unknown because the real facts have not been ascertained by thorough and systematic investigation.

The use of alum for making — out of flour which of itself would give a dark, sticky, sodden bread — a white and flaky loaf, is not a recent invention. "In the days of Henry VIII. of England, it was ordained that his Highness's baker shall not put alum into the bread, or mix rye, oaten, or bean flour with the same, and if detected he shall be put in the stocks."

Whether or no alum is mixed by the baker with our daily bread, it is a fact that alum or its equivalent is, or recently has been, an ingredient of some of the substitutes for yeast which are so largely employed among us. Yeast itself is a microscopic plant whose growth in wheaten dough generates carbonic acid gas, which inflates or "raises" the loaf. The use of chemicals mixed with the flour that will yield the same gas answers the same purpose, and has the advantage of shortening the time and lessening the labor of preparing bread. The chemicals best adapted in all respects for carbonating dough in the kitchen are cream of tartar (bitartrate of potash) and soda saleratus (bicarbonate of soda), and these two salts are the active ingredients of the best "baking powders." But as the supply of cream of tartar is limited and its cost is con-

siderable, various cheap substitutes have come into use. One of the cheapest that can be employed is alum, or the sulphate of alumina, which mixed with bicarbonate of soda produces carbonic-acid gas abundantly, but contaminates the bread with an injurious or even poisonous substance. In 1878, Dr. H. A. Mott, of New York, stated that the "Patapsco baking powder" contained twenty per cent. of burnt alum or its equivalent, the "Andrews" twenty-two and a half per cent., "Dooley's Standard Baking Powder" twenty-six and a half per cent., and "The Charm" thirty per cent. More recently Dr. Mott asserts that twenty-three brands of baking powder examined by him contained alum or a similar sulphate of alumina.

Before quitting the subject of alum in bread, I ought perhaps to say that the effects of it upon the consumer have been much discussed, and some chemists in Europe, and I believe in this country also, have defended its use. Doubtless people may survive the long-continued ingestion of small quantities of alum, as of almost any poison, but the correct principle to adopt in fixing upon a standard of purity in case of all articles which are understood to be essentially nutritious, is to stigmatize as deleterious adulterations the addition of even the smallest quantities of any substance which has decided poisonous or injurious effects. The recently published experiments of Dr. Mott, made upon dogs, are sufficient demonstration that bread containing alum is a highly dangerous article of diet.

Baking powders are also largely adulterated with *terra alba*, which is a trade name for several sorts of white earth, being sometimes ground gypsum (plaster of paris or sulphate of lime), sometimes carbonate of lime (whiting), and sometimes pipe clay (kaolin). The cream of tartar and the saleratus sold by grocers are also often grossly weighted by admixture with worthless *terra alba*.

If the wheaten flour and the wheaten loaf are thus adulterated, we should expect to find that other cereal foods are similarly falsified. So it has happened in Great Britain, especially in Scotland, that oatmeal — which is a standard diet in prisons, workhouses, and charitable institutions — is extensively mixed with cheaper barley meal, rice, flour, and even Indian meal. Thirty years ago there was a famine in the Scotch Highlands, and some $300,000 was devoted to supplying the needy Highlanders with food. One

of the contractors who supplied these unfortunates with oatmeal was suspected of adulterating the article, and was brought to trial. It was shown that the oatmeal was grossly mixed with bran and thirds (cheap horse-feed). The offender was convicted and punished, but he brought forward some of the principal millers of Glasgow to swear that the practice was quite common, — was, in fact, one of the usages of the trade.

Arrow-root is a variety, or rather includes several varieties, of starch obtained from tropical plants. When genuine it naturally costs with us more than the starch now made so abundantly from potatoes and especially from Indian corn. But commonly arrow-root is not genuine, and consists largely or wholly of the cheaper starches of home production. So far as nutritive or medicinal value is concerned, corn starch is doubtless, in every sense, equal to genuine arrow-root, but it nevertheless is a fraud to sell corn starch under a false name at a "fancy price."

Sago and tapioca originally were preparations of starch made in the Indies or Brazil, but now they are perfectly imitated on a large scale from potato and corn starch, and the imitations are every whit as good as the genuine, and being in large demand, are sold at a price that is not unreasonable.

Next to bread, milk ranks in importance on the list of foods that are subject to adulteration. We have it on good authority, that milk, after being robbed of its cream, and diluted with water to cheapen it, has been mixed with sugar to sweeten it, with salt to develop its flavor, with annatto and turmeric to improve its color, with soda and chalk to keep it from souring, with gum, dextrine, emulsion of hempseed, boiled starch, and even, in a single instance, pulverized brains to thicken it.

The most common adulteration of milk is by the addition of water, and where there is no milk-inspection, this, and the removal of cream are the only usual modes of tampering with it, unless soda is added to keep sweet what otherwise might sour before it could be disposed of.

In 1869 and 1870, Prof. Chandler, now President of the Board of Health of New York, directed examinations of five hundred and fifty samples of the milk of that city. The only adulteration that could be detected was water. In forty-five cases, milk was seized by the police at the moment when it was undergoing the process of dilution. By chemical analysis, or by the use of the lactometer

(lactodensimeter), the quantity of water added was ascertained, and the average amount found to be over twenty-six per cent., or, for every three quarts of milk, one quart of water was sold. It was estimated that in this way forty million quarts of water were annually peddled out at the average rate of ten cents per quart, making "business" to the amount of $4,000,000 per year, or $12,000 per day.

Some one has stated, I know not how correctly, that the number of cows that not long since supplied milk to London, was insufficient to give to each inhabitant of that metropolis, more than a table-spoonful of pure milk daily. In Boston, during the last winter, the legislative committee on agriculture had a hearing on the matter of milk-adulteration. The State Assayer was present with two samples of milk, one genuine, the other diluted with twenty-five per cent. of water and colored with a trace of annatto. In appearance, both were equally good, and both bore the same test by the lactometer, — *i. e.*. doubtless the specific gravity of the falsified sample had been first increased by removing the lighter cream and then lowered to the standard of pure milk by adding heavier water.

This refinement in adulteration, which originated years ago in Europe, is the result of legislative action that has made tampering with milk a misdemeanor, but has not provided adequate methods for detecting evasions of the law or sufficient punishment for the offenders; but has the effect to put dishonest dealers on their guard, and to make them more careful to conceal their misdeeds.

From adulterated milk we naturally turn to adulterated butter. Curiously enough the most common adulterant of milk, viz, water, is largely employed in sophisticating butter. Honest butter rarely contains more than six to ten per cent. of water, but the "butter factors," it is said, understand how to increase the proportion up to thirty and even forty per cent. Salt, which should exist in good butter to the extent of not more than one and a half to three per cent., is worked in to the amount of six, eight or more per cent. Boiled starch has also been employed to "extend" very cheap butter. Butter is not infrequently sophisticated by admixture of cheaper animal fats, namely, tallow and lard.

There has recently grown up among us, a new industry which is of itself perfectly legitimate, but which readily "lends itself" in materials, if not in morals, to the business of butter-adulteration.

I referred to the so-called oleomargarine manufacture. Oleomargarine is simply beef-tallow deprived of a portion of the more firm and infusible fats, and thus made to approach the consistence of butter, in further imitation of which, it is mixed with milk and annatto and churned, the result being a product that when made in a cleanly manner is a fair substitute for butter for all cooking purposes, and is superior to cheap butter for any purpose. Sold as oleomargarine this article is well enough, being entirely wholesome and nutritious, and much cheaper than good butter. In England, however, it is known as butterine, and in conformity with the suggestions of this significant designation it enters into not a little of the butter of commerce, or docked of the last syllable of its name, is sold as butter, pure and simple. It is stated that oleomargarine, or mixtures in which it was the predominating ingredient, have passed as genuine butter, and borne off high prizes in some of our recent dairy fairs. I cannot vouch for the truth of this statement, but do not regard it as altogether improbable.

In the manufacture of cheese it is said that boiled potatoes, boiled beans and oleomargarine are sometimes used to make weight, venetian red and red chalk to color the rind, and sulphate of copper, arsenic and corrosive sublimate are externally applied in minute quantities to prevent the lodgment of parasitic insects.

Lard, a substance used in every kitchen, has sometimes been found to contain twenty to thirty per cent. of boiled starch with two to three per cent. of alum and one per cent. of quicklime. The starch is simply a vehicle for incorporating water with the lard; the lime and alum are probably used to prevent the water separating from the mixture and to hinder the growth of mould.

Of the great food staples, sugar is one with regard to which some alarm has recently been raised. It has been widely published that our sugars are largely diluted, cheapened, and even poisoned by mixture with *glucose* and injurious metals. In respect to white granulated sugars this is, I believe, neither true nor likely to be so. Pulverized white and fine grained brown sugars are liable to be adulterated with glucose, but I am not positive that this falsification has been much practiced.

With syrups the case is doubtless otherwise. Syrups are now made from Indian corn, consisting entirely of glucose, using that term in its commercial sense, and these are or may be employed for adulterating what we commonly regard as genuine syrups.

These corn syrups are cheaper than those which come from the sugar cane. When skilfully made they are not inferior in appearance and, though less sweet than cane syrups, they are perfectly palatable and equally nutritious and healthful. Glucose, like oleomargarine, is a perfectly legitimate object of production and an entirely wholesome article of food. Its artificial formation from the starch of corn by the action of acids in the Buffalo and Chicago manufactories, is quite in imitation of the natural process of digestion in the human stomach. In fact all the starch of our food, it is believed, must be transformed into glucose before it can enter the blood and serve as nutriment. Corn syrups are now extensively made and consumed in our Western States. They are usually, I believe, and always may be free from anything poisonous or hurtful to health. Cases are on record in which they have contained injurious metals, but these are probably the result of accident or carelessness, and are no more a necessary incident to the manufacture of glucose than to that of cane syrups.

I have once met the complaint that white sugar was mixed with a suspicious looking blue substance in the form of powder. This was the harmless pigment known as ultramarine blue. The purest cane or beet sugar that can be obtained by the refining processes now used has in itself a disagreeable yellowish tint. This tint is neutralized optically by adding to the sugar a very small ordinarily quite unnoticeable proportion of ultramarine, which, therefore, greatly improves the whiteness and beauty of the sugar. This addition is in the most strict sense an adulteration, but evidently common sense as well as long established usage relieve it from that odium unless, as was true in the case complained of, the quantity added is excessive.

Within a year or so the public has had a scare as to the presence of *tin* in sugars and syrups. In fact solutions of tin—the so-called muriate of tin—are employed by some sugar manufacturers in the process of refining, and a portion of the tin may remain in the sugar and especially in the molasses. The quantity of tin thus remaining is in most cases excessively minute, and not likely to occasion injury to health.

Confectionery includes a class of articles that may be regarded as very liable to adulteration. Candies have been made and sold having all the colors and tints of the rainbow, and owing their colors to nearly all the mineral poisons that are known to the arts.

Chromate of lead has been used to give sugar a yellow and an orange color, red-lead and vermilion to produce red tints, Prussian blue and the vegetable poison indigo to make blues, while copper and arsenic have been used for producing greens. These poisons and almost every kind of known pigment appear to have been used formerly in England, especially in the decoration of sugar dogs, cats and other saccharine statuary, in the construction of which we might credit the workman with forgetting the utilitarian notions that would influence the mere candy-puller, as well as all the maxims of sanitation and toxicology, in the enthusiasm that art begets in its devotees, were it not for the fact that the more expressionless and amorphous the image, the more *terra alba*, pigment and poison it is sure to carry. The employment of the deadlier poisons in making confectionery has no doubt been oftener the result of ignorance than of intention, for evidently the most depraved candy-maker can have no object to kill his customers outright. Slow poisoning would seem fully to answer his purpose, for Dr. Endeman, Chemist to the New York Board of Health, in numerous examinations of the confectionery on sale in that city, found in them no compounds of copper, mercury or arsenic, although chromates of lead, lime and baryta were recognized in the yellow sorts, and Prussian blue, ultramarine, lampblack and various vegetable colors were commonly used; while to give weight as cheap substitutes for sugar, gypsum, starch and white clay were employed. The obvious lesson of these facts is to avoid colored confectionery, and especially cheap confectionery. It might be added, "Avoid all confectionery," but that advice like much other, is least heeded where most needed.

The adulteration of fresh meats finds its field in sausages, potted or canned meats and meat pies. An English health officer, of a town near Manchester, said some twenty-five years ago: "We have in Newton five knackers' yards and there is only one in Manchester. The reason is they have so much toleration in Newton, and it has been a source of great profit to them because they have the means of selling the best portions of the horse flesh to the makers of potted meats. I can say for a fact that the tongues of horses and the best portions, such as the hind quarters of horses, are generally sold to mix with collared brawn, or pigs' heads, as they are called with us, and for sausages and polonies (Bolognas). I understand also, from those who have been in the habit of making them, that

horse flesh materially assists the making of sausages,—it is a hard fibrine and it mixes better and keeps them hard and they last longer in the shop windows before they are sold, because otherwise the sausages run to water and become soft and pulpy." Whether the current traditions as to the use of other domestic animals in sausages are correct the writer cannot say, nor is it positively known whether the sausage makers are at the real bottom of the evidently organized opposition to the enactment of satisfactory dog laws. It is just conceivable that legislation on this subject has been blocked hitherto, simply because mutton is not fit for sausages until it has become dog! As to meat pastries in this country, there is no authentic information to be had, but the consumers of these delicacies in our great cities would do well to ponder the significant words of Mr. Samuel Weller.

"'Weal pie,' said Mr. Weller, 'wery good thing is a weal pie when you know the lady as made it, and is quite sure it ain't kittens; and arter all though, where's the odds, when they 're so like weal that the wery pieman themselves don't know the difference? I lodged in the same house with a pieman once, sir, and a wery nice man he was — reg'lar clever chap, too — make pies out o' anything he could. 'What a number of cats you keep, Mr. Brooks,' says I, when I 'd got intimate with him. 'Ah,' says he, 'I do — a good many,' says he. 'You must be wery fond o' cats,' says I. 'Other people is,' says he, a winkin' at me. 'They' (the pies) 'are all made of them noble animals,' says he, apointin' to a wery nice little tabby kitten, 'and I seasons 'em for beefsteak, weal or kidney, 'cording to the demand.'" It is possible that these observations originally calculated for a longitude near Greenwich, may apply to the meridians of New England or New York.

The articles most extensively adulterated are such as are employed not so much for the nutriment they furnish as for their appetizing or stimulating effects, which bring them into the class of luxuries. Everything of this kind, it would appear, is liable to falsification.

Pickles, for example, properly consist of cucumbers, cauliflower, young beans or other vegetables preserved in pure vinegar of good strength with no addition beyond salt, mustard or pepper. If you want such pickles you had better make them, for they are not easy to buy at economical rates. Unfortunately they who

make their own pickles, following the directions of the older cookery books or practising after the examples of our grandmothers, furnish the cue to the adulterators. It was and still is a custom among New England housewives to prepare their cucumber pickles by boiling the vinegar in a brass kettle, or by steeping the cucumbers and vinegar together in brass, until they acquire a nice green color from the dissolved copper, adding also a lump of alum to make the pickles firm and crisp. In making pickles for the market, such as you may eat with your oysters at the common restaurant, diluted sulphuric acid is used in place of most of the vinegar and the dose of copper is administered in the shape of verdigris, or blue vitriol, while alum is of course added in liberal measure. These pickles are cheap, they are crisp and brittle and of a fine color, although very unpalatable to those who know what a good pickle is, and if eaten in any considerable quantity are dangerous not only because they are indigestible but because they are loaded with metallic poison. Instances of the fatal results of their use are on record. Dr. Hassall states that in the examination of twenty-three samples of London pickles of various kinds, he found in most cases the vinegar very weak; in nineteen instances a good share of their acidity was due to sulphuric acid; sixteen samples contained copper, three in very considerable amount, one in a highly deleterious and two in poisonous quantities.

Vinegar as retailed for household use is mainly adulterated with water to cheapen it, with sulphuric acid to make it sour, and finally with burnt sugar to restore the color lost by dilution. The use of sulphuric acid as an adulterant has led to the introduction of arsenic into vinegar, especially in England, where sulpuric acid is largely prepared by help of metallic ores which are frequently arsenical. This, however, sounds worse than it really is, because the sulphuric acid contains but a very little arsenic, the vinegar contains very little sulphuric acid, and people commonly swallow very little vinegar at a time. According to the testimony of a Mr. Gay, which was given in London, before a Parliamentary Commission in 1855, "corrosive sublimate has been used for years in some houses, and not a cask (of vinegar) has gone out without a certain proportion of corrosive sublimate."

Chairman — "Do you believe that corrosive sublimate was mixed with the vinegar in injurious proportions?"

"I do. It was done to give strength to the vinegar. When the D. W. and the O. V. have been used, the corrosive sublimate is put in to give a tartness again in the mouth."

Chairman — "Are these technical expressions in the trade — O. V. for oil of vitriol, and D. W. for distilled water?"

"Just so. Corrosive sublimate is called 'the Doctor.'"

Mustard is an article that appears to be nearly always adulterated. Not only is ordinary grocer's flour of mustard often so weak that a poultice made of it will not irritate the skin unpleasantly, but the "genuine mustard" sold by apothecaries is far from pure. The ordinary treatment which mustard receives at the hands of the "manufacturer," consists in mixing it with twenty to fifty per cent. or more of wheat flour, and then with enough ground turmeric to restore the appropriate yellow color. Thus far the adulteration is not so serious, because the diluted mustard answers all the purposes of a condiment or even of a poultice, but the mischief thus begun soon grows to formidable dimensions. Mustard itself, which, unground, may cost perhaps five dollars per bushel, is largely substituted by insipid charlock seed, costing but two dollars, cayenne and ginger being added to give it "bite." Instead of wheat flour, ground rice, plaster of Paris and pipe clay are used to make bulk and weight, and instead of harmless turmeric, yellow ochre or even poisonous chromate of lead is employed as color.

Pepper, black and white, — the former made from the entire pepper berry, the latter from the same after the external husk is removed, — were formerly adulterated in the most scandalous manner. In 1851, Hassall examined forty-three London samples, nearly one-half of which were sophisticated. He found wheat flour, linseed meal, mustard husks, pea flour, rice flour, sago and pepper dust or P. D. This last is either the sweepings of the warehouses, or an article made in imitation of ground pepper expressly for this adulteration. The chief chemist employed in the British Customs Department, stated before a Parliamentary Committee, in respect to the falsification of pepper that out of 1,116 samples examined, 576 were adulterated. "We found," he said, "rice, sago, potato-starch, linseed meal, capsicum, husks of red and of white mustard, wheat flour, bran, and ground gypsum." Other adulterants have been bone-dust and saw-dust. Of a hundred pounds of an article seized at Chelmsford, England,

as pepper, in 1852, two pounds only were pepper, the rest being mustard husks, rice, and cayenne.

As long ago as 1820, Accum, a German chemist, established in London, described artificial pepper-corns, which he states were made of linseed-cake, common clay and a little cayenne formed into a mass, granulated by being pressed through a sieve, afterwards dried and finally smoothed by rolling in a barrel.

I can only briefly enumerate the adulterations of all condiments and spices. Cayenne is worse falsified than white and black pepper. Of twenty-eight London samples, Hassall found only four that were genuine. Twenty-two contained mineral coloring matter, thirteen got their color mainly from red lead, seven from red chalk or red ochre, and in one vermillion (sulphide of mercury) was present. Ground spices are not only adulterated by adding flour and starch of various kinds, but cheap cassia is substituted for costly cinnamon, and both are robbed of a good part of their flavoring principle, the valuable volatile oil. Worm-eaten and worthless nutmegs are skilfully repaired by stopping the holes with a suitably compounded cement, and not only are wooden nutmegs traditionally credited to "Down East," but a distinguished Frenchman asserts that the workmen of Marseilles have fabricated false nutmegs, insipid and inodorous, out of bran, clay and the powder of nutmegs too decayed or wormy for repairs!

Tea and coffee, which involve such enormous industrial and commercial interests, have been, as every one knows, falsified on a vast scale. The adulterations of tea appear to have originated in China itself. They were at one time extensively practised in England, but as the duty on tea was gradually reduced, the business of adulterating became less and less remunerative, until it is said to have nearly altogether ceased in that country.

According to Hassall, the adulterations resorted to in China are of four classes: First, with leaves of several kinds of other plants; second, with Li-tea. This is an imitation of tea with most or all of the tea left out, and is compounded of various mixtures to resemble the different sorts and grades of genuine tea; third, with mineral substances, to give weight, and fourth, with pigments and "facing" to improve the color and lustre of the article.

When thirty to forty years ago, high duties were exacted on teas imported into England, regular tea factories existed in London,

Liverpool, and other large cities, — some dozen, it is believed, in all. The industry carried on in these factories, consisted partly in buying up tea-grounds at hotels and coffee-houses for two or three pence per pound, giving them a coating of gum-water, tannin and copperas, drying, and if meant for black tea, "facing" them with rose-pink and black lead, or if for green tea, with Prussian blue and chrome yellow, or similar and worse pigments. Another part of the business was converting the leaves of all manner of British trees into false tea, or, as the Chinese are said to frankly designate it, *lie tea*.

In 1843 the London excise officers seized some tea containing thirty-five per cent. of a fearful poison, carbonate of copper. In 1845, tea was confiscated at Manchester, in which chromate of potash, an active poison, was used as facing, and on the premises were found mixtures, evidently meant for facing tea, containing chromate of lead and arsenite of copper, the latter quite like Paris green in its effects on the animal economy.

Coffee has long been, and still is, extensively adulterated with chicory, burnt sugar and parched peas, beans, barley, rye, wheat, and peanuts. Roasted carrots, potatoes, parsnips, and beets, roasted acorns, spent tan-bark, spent logwood, mahogany sawdust and baked horses' liver are some of the other substances that have been identified in the ground coffee of London. Chicory, as already remarked, has established itself as a regular ingredient of package coffee, and such coffees not infrequently contain little else besides chicory and roasted grain or vegetables of some sort. In 1850 Messrs. Duckworth, of Liverpool, are said to have taken out a patent for moulding chicory in the shape of the coffee berry. English law at that time put no restriction on the sale of chicory. The use of chicory is supported by the fact that many persons prefer a mixture of coffee and chicory to pure coffee. The writer has personal knowledge of two cases where ladies having drank coffee that greatly pleased them in first-class restaurants, and having asked how such coffee could be procured, were supplied with recipes in which certain grades of coffee and a certain proportion of chicory are directed to be used. In fact, such mixtures are supplied to order by the best grocers of our large cities. It is asserted that chicory is universally an ingredient of the finely flavored coffee that one finds in the *cafés* of Paris, Vienna and other European capitals, and there are gentlemen in New England who, having cultivated

chicory and used it in their coffee, freely express their preference for the mixture. In these cases, however, the chicory is kept duly subordinate to coffee, and good coffee at that, while in the "package coffee," peas, rye, and chicory have largely the upper hand, and the coffee is small in quantity, and that little of the poorest.

The demand for chicory has become so great, that it is not only a staple product of agriculture in most European countries, and cultivated to some extent in this, but it has come itself to be the subject of extensive falsification with all the adulterants which are employed in the cheapening of coffee. Mr. Gay, who, once a manufacturer of mustard, coffee, etc., on his own account, afterwards was put in charge of Her Britannic Majesty's Commissary Department, made the following statement befor the Parliamentary Commission on Adulteration, in 1855: "I remember one year, when chicory was worth £21 per ton, manufacturing seven hundred tons of carrots into chicory. They were grown by one gentleman in Surrey, and supplied to the house where I was; and, also, three hundred and fifty tons of parsnips."

But, space is lacking to make further recital of the dreary history. Enough has been written to exhibit pretty fairly what human ingenuity and inhuman selfishness and recklessnes have accomplished in the sophistication of human food.

The serious question naturally comes up: Are we in these United States liable to suffer in purse and health from the adulterations that are now practised upon our food? The reasonable answer to this question must be a qualified negative.

Generally speaking, we are not suffering serious loss of goods or of health. This answer is justified by the investigations that have been made in New York, Boston and other places, which have not revealed very wide-spread or injurious adulterations, except in case of milk, baking powders, and a few articles already instanced. The writer's occasional examinations of staple articles sold in the city of New Haven, have failed to disclose any deleterious or extensive tampering with food except in case of coffee, mustard and pickles, and in these instances, usage — general and well-known usage, I might say — either to a degree excuses the fault or puts us on our guard. Indeed, it rarely happens that those who demand a good article and are willing to pay a fair price fail to get what is genuine and wholesome. Some excellent people whose

apprehensions have been unduly excited, would have us believe that we are really defrauded and poisoned in a wholly reckless matter, on every hand. To understand what belongs to the numerous substances now employed as human food when genuine requires a special education which only experts can possess. To follow these foods into their manifold sophistications is another and more difficult education, and probably the fingers of one hand would suffice for reckoning the number of analysts in the United States, who today are competent to expose with accuracy and certainty the various adulterations that are liable to present themselves in the great cities of the civilized world. It is therefore not to be wondered that the extent and enormity of the evil we are considering should be either unsuspected on the one hand or exaggerated on the other. The lawyer who in the line of business charges a prosecuted manufacturer with every misdemeanor that his imagination can in any way associate with the defendant's business; the rostrum reformer, who in the line of business magnifies his calling and everything within call; and the capable reporter, who in the line of his business writes down faithfully what the logical advocate and the eloquent reformer utter, or what he thinks they ought to utter, are of those who have scared the public with overdrawn pictures. As a mild specimen of these exaggerations, I may adduce an extract from the Boston *Morning Journal* for July 28, 1880, which reads as follows:—"*The Adulteration of Sugar.*—A recent lawsuit in Buffalo brought to light the method and the extent of the adulteration of sugar by means of glucose. It was brought to light that a single establishment in that city consumed six thousand bushels of corn in the manufacture of sugar, and the syrup called glucose, used by sugar and syrup dealers, confectioners, and so forth, for the purposes of adulteration. In the process of manufacture, three tons of sulphuric acid are used daily. Sulphuric, muriatic and nitric acid are extensively employed in extracting the sugar from the corn. One gets an idea of the virulence of these poisons from the statement that they so rot the timbers of the factory building, where the process is carried on, that men are constantly employed in making repairs. The concern involved in the trial, sell $100,000 worth of sugar and glucose per month. The color of the sugar is white, and by mixing it with cane sugar, the latter is given a lighter color and commands a better price. One of the witnesses in the case,

Mr. Nichols, of Brooklyn, a manufacturer of acids and an agent for the sale of the sugar and syrup, testified that the adulteration is very extensively practised in New York, and that the sales of such sugars exceed that of the pure. The inventor of the method of manufacture testified that a bushel of corn weighing fifty-six pounds will yield thirty pounds of sugar, and that the average net profit on each bushel of corn is between forty and fifty cents. The adulterated sugar offered to the public is known as the 'new process sugar.' This sugar looks better than the old-fashioned brown sugars, but has less sweetening quality and is regarded as injurious to the health."

This honest sounding paragraph contains or implies a number of untruths, some of which directly exaggerate the matter of adulteration, while others assist to demonstrate the general inaccuracy of the paragraph, and its total worthlessness as a piece of evidence.

Let the reader review the first and second sentences, and observe that they are so framed as to convey the idea that glucose—the sugar and syrup obtained from corn—is made in immense quantity for the purpose of adulteration and for no other purpose. No hint is conveyed that glucose has legitimate, well-established and extensive uses, which cannot by the strictest interpretation be properly regarded as in any sense fraudulent or of the nature of adulteration. Such is, however, really the fact, and the glucose manufacturer is not necessarily more responsible for the adulterations of sugar than the potato-grower is for the falsification of arrow-root. Read again the next three sentences and note how much, how many and how virulent are the "poisons employed in extracting the sugar from the corn." Three deadly acids, one of them used to the extent of three tons daily, which so rot the timbers of the buildings that they require constant repairs! Is the sympathetic reader likely to avoid the conclusion that these poisons impregnate the glucose with their virulence? But in fact the consumer of glucose is no more hurt by the acids used in its manufacture than the dweller in a finished house is bruised by the bricks, burned by the lime, smothered by the cow-hair, or pierced by the nails that are incidental to its construction. Nay, the householder may be bruised, smothered and scratched by the materials of his house, but the glucose-eater can scarcely suffer from these acid-poisons in his sugar, for after they have served to transform starch into glucose they are so completely neutralized as

not to be acids at all, and so far separated as not to be poisonous even if they remained acids. The paragraph informs us what was testified by "the inventor of the method of manufacture," as if this industry were a very recent development, while in fact the discoverer of the method never saw this continent or this half-century, and the manufacture in all its essentials has long been carried on. Finally we are informed that this sugar "is regarded as injurious to the health." That glucose is not injurious to health, and that the man does not live who is not both a consumer and, in his digestive organs, a constant producer of glucose, I have already insisted upon. In the face of these inaccuracies we may reasonably doubt the statement that the sales of adulterated sugars in New York "exceed that of the pure," until evidence of a better quality is offered.

In commenting on this paragraph, I would add that the blunders it contains are, all of them, such as would most naturally result from the operations of the court room and the reporter, unless all concerned in eliciting testimony, and putting the essence of it in popular form, were experienced technical experts.

Another newspaper cutting that for some years has ornamented the writer's scrap book, was taken from a Rochester, N.Y., paper, and is as follows:—

"*How Bar-Room Liquors are made.* There may be seen daily on Chestnut street, says the Philadelphia *Bulletin*, a man dressed in faultless apparel, with a great diamond on his breast, vainly endeavoring to outglitter the magnificent solitaire on his finger. In one of the German universities he learned chemistry and not even Liebig knew it better. His occupation is the mixing and the adulteration of liquors. Give him a dozen casks of deodorized alcohol, and the next day each of them will represent the name of a genuine wine or a popular spirit. He enters a wholesale drug store, bearing a large basket upon his arm. Five pounds of Iceland moss are first weighed out to him. To raw liquors this imparts a degree of smoothness and oleaginousness that gives to imitation brandy the glibness of that which is most matured. An astringent called catechu, that would almost close the mouth of a glass bottle, is next in order. A couple of ounces of strychnine next called for are quickly conveyed to the vest pocket, and a pound of white vitriol is as silently placed in the bottom of the basket. The oil of cognac, the sulphuric acid and other articles

that give fire and body to the liquid poison are always kept in store. The mixer buy these things in various quarters. They are the staples of the art."

I have omitted to touch upon the adulteration of alcoholic drinks, not because those beverages are not food properly speaking, but because they open a branch of my subject which would require a special article for its adequate treatment. The above quotation will be used simply to further illustrate the popular exaggeration which we owe to much fine writing and little exact knowledge. The description of how bar-room liquors are made is not by any means destitute of truthful features. The man, the occupation, the deodorized alcohol, the Iceland moss, the catechu, the oil of cognac are true to nature or to "the art," but the "couple of ounces of strychnine"—it is simply incredible! A quantity of strychnine so minute that it can have no poisonous effect whatever gives to alcohol or alcoholic drinks an intense bitter taste. The only bitter beverage in use is beer. Some thirty years ago the British public was thoroughly alarmed at the assertion that British beer was made bitter by this deadliest of vegetable poisons. The question of adulterated and poisoned beer, as is well known, receives very different treatment in Old England from what is accorded to it in New England. The government ordered an investigation. Three of the ablest chemists of the country, including the master of the mint, made a most elaborate and exhaustive research, first into the methods of detecting strychnine in beer, and second into the existence of strychnine in the beer sold in England. They proved first that the minutest quantities of strychnine can be detected in beer, and second that out of a multitude of samples of beer taken in the shops of London, not one contained any trace of this poison. The writer has first and last been called upon to examine for strychnine some twenty samples of distilled liquors, taken from various drug stores and "rum shops," high and low, in the State of Connecticut, and has found no evidence of its presence; and there appears to be no foundation whatever for the belief so widely prevailing among professional teetotalers and their disciples that strychnine is or ever has been put into any alcoholic drink that was simply intended for use as a beverage. To put strychnine into distilled liquors would render them undrinkable before it could constitute them poison. To add to it beer in poisonous quantity would tend to kill the consumers and spoil the sale.

But after making all needful allowance for the exaggerations that are incident to the ventilation of any abuse, this abuse remains a rooted fact of our social status, and while in general the well-to-do and the intelligent need not be greatly alarmed at the present prevalence of this evil, it still is true that the prudent who will buy economically, the poor who will buy cheaply, and the ignorant who buy blindly are liable to suffer, especially in our large and closely populated cities.

The milk of New York and Boston has been in former years fearfully diluted because the supply has been at times inadequate, and the cheat is one that cannot be detected easily and positively by the ordinary consumer. In New Haven, where producers and consumers meet face to face, and where the supply is abundant, the temptation to water is not so urgent. Samples of milk bought on the street from the passing milk-wagons in that city, I have now and then tested and found to be pure. The bakers' bread of New Haven I have looked after somewhat and have found no alum. The bread of that city is in fact of better quality than it was from five to twenty years ago. The vinegar retailed in the corner stores I have sometimes tested, and while some of it has been found too weak, some of it has been too strong, and in no case has it contained sulphuric acid or poisonous metals. As to package coffee, cheap pickles, mustard and spices, the stores of New Haven can easily furnish them containing the standard adulterations, and can also as easily supply most of these articles in a state of satisfactory purity.

The tests which have been made hitherto by competent analysts are perhaps not sufficiently numerous to establish the general purity of our food supplies, and certainly what is true of New Haven does not necessarily apply to other cities South and West. The prevalence of the newspaper and the exertions of our Boards of Health are having a happy effect, while the abundance of food and the comparative absence, except in our largest cities, of a "poor class," largely cut off the inducements to make a business of adulteration.

But the inducements are not wholly wanting; the fact of adulterations exists among us, and whenever the falsification of any article can be carried on with much profit and little risk, that moment the adulteration will most probably begin. As our population increases in density, as the competitions of trade, and the

struggles for existence become sharper and fiercer, the mischief will increase and can only be averted or restrained by the strong arm of the law, backed by popular intelligence.

It is evidently the duty of our State and municipal authorities to ordain and enforce such wise laws as shall confine food-adulterators to the very narrowest limits. A comprehensive statute ought to be enacted applying to all adulterations and falsifications. It should define in plain terms what constitutes genuine legal milk, bread, mustard and so forth. It should provide for the employment of competent public analysts trained in chemical analysis and microscopy, to examine and test any article that may be submitted. Such tests ought to be made for any person bringing samples under suitable regulations at a very moderate charge, and it should be provided that any article on sale of suspicious or doubtful character be liable at any time to be analyzed at public expense, so that the poor who can rarely sustain the cost of such tests may nevertheless enjoy their protection. The attempt to legislate bills of such a character would doubtless develop an amount of lobby opposition that would fully demonstrate the need for their enactment.

There can be little doubt that one public food-testing laboratory in each of the New England States, coöperating with the State Boards of Health, would now annually save the citizens many times the cost of its maintenance, just as the agricultural experiment station of Connecticut is believed to save the farmers of that State a hundred-fold its cost by the analysis and valuation of commercial fertilizers alone.

While adulterations that are positively injurious to health are perhaps rare among us, there is not improbably a vast aggregate leakage of honest people's money, which might be checked by making known what we are all ignorant of, namely, the real quantities and qualities of nutriment in the supplies we purchase or produce.

The British "Sale of Food and Drugs Act" as amended in 1875, provides for the appointment of public analysts in the various cities, counties, districts and boroughs, and for the inspection and testing of food, by and under direction of suitable officers and at the public cost, as well as for making tests for individuals at a small charge. The Society of Public Analysts of Great Britain now forms a large and respectable body of experts, which publishes a journal of its experience in tracing and exposing adulterations,

and exercises a highly beneficial influence on the health, comfort and conscience of the British people.

The farmers of Connecticut suffered themselves to be humbugged and swindled by adulterated or worthless fertilizers for many years before they got sufficiently informed, and sufficiently warmed to declare that they must and would have a station for the analysis of fertilizers. How long shall we all rest under the greater evil, actual or imminent, of food adulteration before we shall provide ourselves the cheaply furnished means of keeping its devastations within the narrowest bounds?

DEBATE ON ADULTERATION.

In the debate which followed Prof. Johnson's Paper, Mr. GEORGE T. ANGELL, of Boston, opened, and he was followed by Prof. W. R. NICHOLS, of Boston, Prof. REMSEN, of Baltimore, Dr. E. M. HUNT, of New Jersey, C. F. WINGATE, of New York, F. B. SANBORN, of Concord, and several others; but only the remarks that follow have been preserved:

MR. ANGELL'S REMARKS.

Mr. GEORGE T. ANGELL, of Boston, opened the debate by saying that the investigation and exposure of adulterations and the sale of poisonous articles, was not a very popular, profitable or pleasant business. Many of his friends had urged him not to continue it, and he would gladly give a thousand dollars to be released from it if he could conscientiously retire. But at present he deemed it his duty to go on. He had prepared a new paper on the subject to which he had given a considerable part of the summer, and the reading of which would occupy an hour and a quarter; therefore it could not be read this evening. The German Government in 1878, caused 231,478 samples of different articles to be analyzed, and obtained 3,352 convictions in the courts. He wanted the same number of samples analyzed in this country, and the same number of convictions. In Great Britain, during 1879, about eighty public analysts, appointed under Act of Parliament, analyzed 16,772 samples, and detected and exposed 2,978 adulterations.

Mr. Angell then read the following letters, which he had received from Professor MARINER and others:

No. 81 CLARK STREET, CHICAGO, Oct. 18, 1879.

George T. Angell, Esq. — Dear Sir: In answer to your

questions, I would say that I have been an analytical chemist to this city twenty-three years; am a graduate of the Lawrence scientific school, chemical department of Harvard University, and was during two years assistant of Professor Horsford in the laboratory. I have devoted myself entirely to chemical analysis and teaching chemical students ever since. I think I have had much the largest chemical practice of any man in the West. At the request of a highly respectable citizen of Chicago, I have examined fourteen brands of sugar, bought as I understood, in this city; some granulated, some white, some colored, some coarse and some fine. I tested them thoroughly for impurities. In twelve of the samples I found tin in the form of a chloride, an active poison. The other constituents I can furnish if you desire. I have examined several syrups made essentially and entirely of glucose, and found in them chlorides of tin, calcium, iron and magnesia, and in quantities which made them very poisonous. In one case a whole neighborhood was poisoned, and I was told of one death. I have in several cases found sugar of lead in vinegar. I use no vinegar myself. I look with suspicion upon our vinegar. I use fruit acid in place of it,—lemon-juice, etc. I never eat pickles. I have found in various cases they were poisoned with lead and copper. I have tested to some extent the cheap tin ware sold in our markets, and have no hesitation in saying that there is great danger in using fruits, vegetables, meats or fish put up in tin cans of any kind. They are liable to contain lead and tin, both active poisons. Terra alba is largely used in cream of tartar, confectionery, and pretty universally for adulteration. I have found in many baking powders alum instead of cream of tartar,—a thing dangerous and injurious in all cases. I should say that I have come to expect adulteration, and to fear dangerous adulteration, in almost every article of the grocery kind. I have had large experience in the analysis of colored poisonous articles of clothing, being employed by one of the largest dry good firms in this city. I examined, I think, sixteen samples, and nearly all of them were poisonous. I have also analyzed for other parties. In one case a child nearly died from wearing colored stockings. I would like to add that I have analyzed numerous samples of cosmetics and powders used on the face and hair. Almost all the hair cosmetics, including most of those in common use, I have found to be very poisonous, and many of the face powders and preparations I have found to contain arsenic or lead. I should not be surprised if 20,000 people in Chicago today were injuring their health and endangering their lives by the use of these cosmetics and powders. You can hardly overestimate the present danger to public health from the large and growing sale of poisonous and dangerously adulterated articles in our markets. I would say that I have personally known Dr. R. U. Piper, of this city, more

than twenty years. He has no equal in the West as a miscroscopist, and has had wide experience as a chemist and physician. I should say most decidedly that there is no scientific man in Chicago whose evidence would be entitled to receive higher credit in our courts. Yours respectfully,

G. A. MARINER,
Analytical Chemist.

FROM DR. PIPER.

CHICAGO, Oct. 16, 1879.

Dear Sir, — I have no hesitation in saying to you :—

First—That I have entirely abandoned the use of vinegar generally sold in our markets, believing it to be unfit for use and dangerous. I know that sulphuric acid is largely used in its manufacture.

Second—I never use the pickles generally sold in our markets. I think the yellow pickles are quite as dangerous as the green. I know that lead is largely used in their manufacture. Verdigris is used in making the green.

Third—I have examined a large number of specimens of oleomargarine, and have found in them organic substances in the form of muscular and connective tissue; various fungi; and living organisms which have resisted the action of boiling acetic acid; also eggs resembling those of the tapeworm. I have them preserved to be shown to any one who desires to see them. The French patent under which oleomargarine is made requires the use of the stomachs of pigs or sheep. This is probably the way the eggs get in. I have specimens of lean meat taken from oleomargarine. There can be no question that immense amounts of oleomargarine are sold and used as pure butter. I regard it as a dangerous article, and would on no account permit its use in my family.

Fourth—Enormous amounts of the meats of diseased animals are sold in Chicago. I have made a large number of examinations.

Fifth—I have been informed of several cases of poisoning in this city from the use of canned meats.

Sixth—I know that Professor G. A. Mariner, of this city, a chemist of twenty years' standing, of as high reputation as any man in the West, and a personal friend of mine, has found chloride of tin, an active poison, in numerous samples of sugar he has examined, also in some of them chloride of calcium, another poison.

I do not dare to use the syrups commonly sold in our markets, and I use but little sugar, as I believe them nearly all adulterated.

In regard to glucose, I am informed and believe that seven-eighths of all the sugar sold in Chicago is made of or adulterated with glucose.

As now manufactured and used, I know that many of our eminent physicians believe it dangerous and productive of disease of the kidneys. The manufacture of glucose in this country is now enormous, and large factories are being built to increase its manufacture.

I could fill a volume with the adulterations which I have found within a few years past in articles of food and drink in common use, by microscopical and chemical analysis. I have made more than a thousand microscopical examinations of milk in this city. I think that not over ten per cent. of the milk sold here by dealers is wholesome and unadulterated.

At your request, I would say that I am a physician of over twenty years' practice, and the past ten years I have given almost entirely to chemical and microscopical analysis. I have written several volumes on scientific subjects,—surgical, medical, etc., and am well known to Drs. Storer, Holmes, Henry J. Bigelow, Cutter, J B. Treadwell, Harriman and others of your city.

Yours truly, R. U. PIPER.

FROM J. M. CHAPMAN.

CHICAGO, Oct. 17, 1879.

Dear Sir,—I have been in the sugar business about twenty years. Fifteen years ago our markets were filled with excellent sugars. Among the brands then sold, as I remember them, were Stewart's, Miller's, Bradish, Johnson & Son's, and Oekershausen's, of New York; Lovering, of Philadelphia; Woods, Weeks & Co., of Baltimore; East Boston, Union, Salem T. Lamb and Adams, refineries, of Boston; J. B. Brown & Sons, of Portland, and many others, all of which were excellent sugars. Every one of these sugars has been driven out of our markets. For the past two years, with three or four exceptions, there have been, I believe, no pure sugars sold in Chicago. The average sale of sugars now in this market is more than a thousand barrels a day. In my opinion, not more than one barrel in a hundred is pure sugar, the rest being what we call doctored goods. J. M. CHAPMAN.

FROM DR. DE WOLF.

CHICAGO, Oct. 21, 1879.

Dear Sir,—Nothing is more clear to my mind than the immediate and pressing need not only of National and State legislation, but also of protective health associations to prevent the enormous sales in our markets of foods and other articles dangerous to public health. While I fully appreciate the necessity of additional laws, I must add that it is, in my judgment, absolutely impossible for public officers in this country to contend successfully with great financial interests, unless sustained by active organizations of good and patriotic citizens.

OSCAR C. DEWOLF,
Commissioner of Health of Chicago.

FROM PROFESSOR WHEELER.

CHICAGO, Dec. 15, 1879.

From personal knowledge I can say there is an enormou amount of dangerously adulterated foods and drinks, and othe dangerous articles now sold in our markets, and, I think, thi subject should receive the immediate attention of both the Genera Government and State Legislatures, and that Boards of Healt and good citizens should at once take effective measures to sto this great and growing evil.

C. GILBERT WHEELER,
Prof. of Chemistry in the University of Chicago, and Presiden of Chicago College of Pharmacy.

Mr. Angell said that in view of the importance of the testimon of the three first-named gentlemen, he would also read th following letters:

CHICAGO, Oct. 18, 1879.

George T. Angell, Esq.: Dear Sir,—We take pleasure in cer tifying that the scientific standing and reputation of Dr. R. U Piper of this city are well known to us, and that the testimony o no other scientific gentleman of this city would, in our judgment be entitled to higher respect.

HENRY BOOTH,
Ex-Judge of Cook County Circuit Court, and Dean of Unio College of Law.

SAMUEL M. MOORE,
Chief Justice of the Superior Court, Cook County
JOSEPH E. GARY,
Judge of the Superior Court
CHARLES H. WOOD,
Ex-Judge of the 20th Circuit, Illinois

CHICAGO, Oct. 21, 1879.

Dear Sir,—I have known Prof. Geo. A. Mariner, of this city analytical chemist, for many years. His reputation is of th highest character, and I know of no man in the West of highe standing as a chemist. Very truly yours,

JOHN G. SHORTALL.
President of the Illinois Humane Society

CHICAGO, Oct. 21, 1879.

I have known Mr. J. M. Chapman nearly twenty years. I con sider him one of the squarest men I know.

S. A. KEAN [*Banker*].

I have known Mr. Chapman at least five years, consider him a upright man in every particular, and will add that, of my ow knowledge, I am convinced that very little of any sugar sold i our markets is pure.

J. H. CLOUGH [*Merchant*].

CHICAGO, Oct. 21, 1879.

Having known J. M. Chapman twelve years, I will say he has, from time to time, presented me samples of poisonous substances in sugars that astonished me, as an old sugar merchant. I believe the public cannot too soon awake to a true knowledge of the dreadful facts in this matter.

J. H. DUNHAM [*Sugar Merchant*].

Mr. Angell devoted the remainder of the time allotted him to a consideration of "oleomargarine;" giving, first, the enormous amounts of butter and cheese now manufactured from it; and then stating that it was sold in almost every butter stall in the Boston markets, and could not easily be distinguished in looks or taste from true butter. In regard to the danger of using it, he referred to the fact that the French Academy of Medicine had reported French oleomargarine unfit for use in French hospitals; and that the French Minister of the Interior had refused to permit its use there. The ground taken was that, while it was possible to make in a chemist's laboratory, from the best materials, a wholesome article, the oleomargarine of commerce was an inferior article, and liable to be dangerous. Mr. Michels, of New York City, a well known microscopist, and editor of a scientific journal, testifies that it is simply *uncooked raw fat, never subjected to sufficient heat to kill the parasites liable to be found in it;* that those who eat it run the risk of trichinæ; that he has found in it tissue, muscle, and cells of suspicious nature; that all the caul fat of oxen brought to New York City in a week would not supply one factory four days, yet there were then seven factories in that city; that there can be no doubt that fats and grease of various descriptions are used, and he had reason to believe the refuse fat of one pork packing establishment was then used, and, probably, fats of every description, even those from carcases of diseased animals, would be used. Mr. Angell further said, that the eminent English chemist, Prof. Church, states he has found in it horse fat, fat from bones, and fats ordinarily used for candles. But the gentleman who had written most on the subject was Dr. Piper, before referred to, and concerning whom the Chief Justice of the Illinois Superior Court, and three other judges certify as before appears. Dr. Piper testifies that he has found in oleomargarine not only organic substances, in the form of muscular and connective tissue and various fungi, but also *living organisms which have resisted boiling acetic*

acids, and eggs resembling those of the tape worm. He has preserved them to show, and has also microscopic photographs of them. Rev. E. Huber, microscopist, of Richmond, Va., writes in the "Southern Clinic," that the fats in oleomargarine are not subjected to heat sufficient to destroy the germs of septic and putrefactive organisms, and that he also has frequently found in it eggs resembling those of the tape worm.

Mr. Angell said if the time allowed him were longer he should wish to take up, also, poisonous tin cans and other tin ware, poisonous sugars and syrups, poisonous clothing, papers and wall papers, poisonous confectionery, pickles and vinegar, and the great family of dangerously adulterated groceries. As there was not time to put in evidence on these points he would make the following proposition:

WHEREAS, some chemists and writers have asserted that there is now a large sale, in American markets, of poisonous and dangerously adulterated foods, and other poisonous and dangerously adulterated articles; and whereas, other chemists and writers deny these assertions; and whereas, *public health*, *public morals* and large amounts of capital are interested in the right solution of this question; and whereas, it is essential to its right solution that both sides be fairly heard; therefore I make the following proposition to the American Social Science Association, viz: I will put into the hands of its Treasurer or General Secretary either $50 or $100 (whichever sum may be required), provided any chemist or other person in the United States will do the same; said sums to be expended as follows: Such chemist or other person shall prepare, or cause to be prepared, an essay showing there is *little danger to public health* from the above cause, and *giving proofs*. I will then prepare, or cause to be prepared, an essay of similar length, showing there is *great danger to public health* from said cause, and *giving proofs*. The two shall be published *by the Association in one pamphlet* and sent to all leading newspapers of the country for such use as they shall deem judicious.

Professors NICHOLS and REMSEN; Dr. HUNT, of New Jersey; Mr. C. F. WINGATE, of New York, and others having spoken in the debate, and the large audience still manifesting great interest in the subject, Mr. Angell was permitted to occupy a few minutes, at the close of the debate, in which he again said it had been asserted that some of his statements on this subject, in a paper read before this Association last year, were not true. To settle that question he would propose either the President, General Secretary, or Treasurer of the Association, as referee, or any other person

who could be agreed upon, and at the time and place named by the referee he would meet all comers, and if they could prove *one* statement of his in that paper untrue he would pay the whole costs of reference. He then put in the following evidence in regard to glucose and sugars, prefacing it by remarks of his own:

Glucose is a cheap substitute for sugar. It is made in Germany, from rags. It can be made from sawdust. It is generally made in this country by boiling corn starch in dilute sulphuric acid (oil of vitriol). It has grown in a few years from nothing to most colossal proportions. A single factory uses in making it over five million bushels of corn a year; another two millions. I am told that it sometimes sells in large quantities as low as two cents a pound.

Dr. T. D. Williams, of Chicago, recently analyzed over a hundred samples of confectionery, there, and found more than seventy per cent. were made wholly or in part of glucose. He also recently analyzed six samples of *brown* sugar procured from six different sources, and found they *all* contained glucose. Two of them very light colored, dry and apparently fine articles, contained 33⅓ and 41⅓ per cent. of glucose.

Dr. O. W. Wight, Health Commissioner of Milwaukee, wrote November 8, 1879, that a chemist in charge of a glucose factory tells him that about *twenty* per cent. of glucose is put into *granulated* sugars; *sixty* to *seventy* per cent. into some *brown* sugars; and about *forty* per cent. into *candies;* that it is largely put into honeys, and constitutes the greater portion of many syrups.

Dr. Kedzie, president of the Michigan State Board of Health, some time since analyzed seventeen table syrups, and found fifteen of them made of glucose. In twenty samples of table syrups recently analyzed at Chicago, only one was found unadulterated, and several of them were made almost entirely of glucose. In twenty-one samples recently analyzed by Dr. Kedzie, twenty were made wholly or very largely of glucose.

The editor of the *Chicago Grocer* writes me that *seven-eighths of all the sugar sold in Chicago are adulterated with glucose*, and subsequently states in his paper that seven-eighths of all the syrups sold in that market are of the same kind. I am told by a Chicago sugar dealer that ship-loads of it are sent to New Orleans to come back as New Orleans sugar and molasses. It is largely used not only by confectioners, but also by bakers and brewers, in jellies, jams, preserves, honey, maple sugar, beers, wines, liquors, and is constantly being put into new uses, and I am informed that it is sold in immense quantities to sugar refiners.

Recently a Glasgow grocer was fined for selling *American* honey which contained fifty-seven per cent. of glucose. What is the character of this article? *Not as it may possibly be made in a*

chemist's laboratory at high cost, but as it is made and sold for two or three cents a pound in our markets. The *Chicago Grocer* of September 25, 1879, says: "The manufacturers deny admittance to their factories," The *Chicago Tribune* says: "The manufacture is carried on with as much secrecy as the illicit distillation of spirits."

Professor Charles R. Fletcher, chemical lecturer to Boston University, writes that he has recently analyzed three samples of best solid glucose and two samples of the syrup, grades A and B, and *in every sample* found free sulphuric acid (oil of vitriol). In one sample of *best* glucose he found *thirty grains* of oil of vitriol to the pound of glucose. In a sample of the best syrup he found nearly as much.

Dr. Kedzie (before quoted) found in one sample of glucose syrup 141 grains of oil of vitriol and 724 grains of lime to the gallon; and in another, which had caused serious sickness in a whole family, 72 grains of oil of vitriol, 28 grains of copperas, and 363 grains of lime to the gallon. Dr. T. D. Williams, of Chicago, states that in the various samples of glucose sugars and syrups he has found *in every sample* quantities of free sulphuric acid (oil of vitriol). Dr. Williams also states in a letter of April 9, 1880, that he has found glucose products *almost invariably* contaminated with lead, and that Professor Mariner, of Chicago, tells him that *he* has recently found lead in almost every sample he has analyzed. Professor Mariner testified last October that he had examined several glucose syrups, and found in them chlorides of tin, calcium, iron and magnesia in quantities which made them very poisonous.

Dr. Wight, of Milwaukee, Commissioner of Public Health, wrote November 8, 1879, that an eminent chemist and college professor tells him he has analyzed many specimens of sugar for muriate of tin, and has frequently found it in dangerous quantities. Professor Mariner, before quoted, testified last fall that out of fourteen samples of sugar analyzed by him, he had found in twelve of them tin in the form of chloride, an active poison. The students in the school of mines of Columbia College, New York city, extracted some time since quantities of tin from sugars, and hung the lumps to the necks of the bottles from which they were taken.

President Kedzie, at a meeting of the Michigan board of health, January 14, 1879, said that as a general thing cheap sugars in Michigan were adulterated, that poisonous materials were used to color sugars, and that (A) coffee sugars often and (B) and (C) coffee sugars almost always contained tin salts. The *Journal of Materia Medica* says "the use of tin in glucose syrups has been proved by numerous analyses."

In the valuable recently published book styled "Food Adulteration," I find a case in which the men employed in twelve different Michigan lumber camps were poisoned by eating glucose

syrup. Mr. Stearns, the great manufacturing chemist of Detroit, told me last September that he could not buy a pound of sugar in Detroit which he could use to coat his pills. Dr. Kedzie says that hams cured with glucose have been found to mould, blacken by heat and become bitter.

Mr. ANGELL closed by reading two letters which he had just received. One was from a gentleman in New York city, who refused to let a building and machinery for making glucose, because the large quantities of sulphuric acid used were so destructive to both building and machinery. In this letter, the writer (who, Mr. Angell said, was well known to him as a lawyer of high respectability) states that the man wishing to hire, admitted that immense quantities of sulphuric acid were used; that quantities of this *did* remain in the product, and large quantities of sulphate of lime which was, as he understood it, injurious to health, and affected the kidneys, and that he would only use on his own table the highest grades of granulated sugar. The other letter was from a Saratoga gentleman, who had a few days before bought a barrel of the highest priced granulated sugar, manufactured either in New York city or Brooklyn, which he found to be mixed and adulterated with a dull white substance, and which had only about one-half the sweetening power of pure sugar.

COMMUNICATION FROM THE MICHIGAN STATE BOARD OF HEALTH.

The following communication bearing on the question, and written by a member of the State Board of Health, of Michigan, Mr. LEROY PARKER, was read near the opening of the debate:

THE ENFORCEMENT OF LAWS AGAINST THE ADULTERATION OF FOOD.

It is too often the mistake of those who seek to reform an evil by means of legislative enactments, that they consider the good work accomplished when their reformatory measure has passed through the various stages of a bill, and has become an act of the legislature. One has but to look through the statute books of the various States and of the nation, and see the great number of dead letter laws which fill their pages, to be made aware of the fallacy of such a theory. The number of laws which have for their object the improvement of the condition of the public in some respect, but to which no attention is ever paid, either by the public for whose benefit they were enacted, or by the law officers whose duty it is to enforce them, will be found surprisingly large by those who will take the trouble to investigate the subject. In view of this fact, we must conclude either that the public do not care

enough for the benefits to be derived from such laws, to insist upon their enforcement; or else that the officers of the law, who are empowered to carry out their provisions, are negligent of their duty. It is more than probable that the fault lies on both sides, and that the indifference of the public is the excuse for the negligence of the officials.

Statutory enactments for the prevention of adulterations of food and drink are common in many of the States, and have been so for some years; but, with the exception of an occasional inspection of those articles of common, daily consumption, such as milk, bread, and meat, and that only in the larger cities, little or no attention is paid to the discovery of the adulteration of articles of food, or the punishment of those who profit by such adulterations. It is primarily essential to the safety of the public that there should not only be laws against the adulteration of food, but that these laws should be faithfully enforced. The real work of securing the public against imposition and injury from adulterations, begins after the enactment of the necessary laws. Two things are essential to the perfect enforcement of such laws:

(1.) That the public should be fully awakened to the extent of the evil from which they suffer, and should be made aware of the pecuniary loss, and danger to health which food adulterations impose.

(2.) That the officers charged with the execution of such laws, should have the encouragement and support of the public.

To secure the first pre-requisite, it is necessary that the Social Science Association, the National and State Boards of Health, and Public Health Associations, should carry forward the work of investigation and discussion, which has been so happily begun. Much has already been accomplished in this respect. The National Board of Health Bulletin (Supplement No. 6), contains an exceedingly comprehensive and exhaustive report, by C. Lewis Diehl, upon deteriorations, adulterations and substitutions of drugs; also, an admirable Paper by Dr. R. C. Kedzie, President of the Michigan State Board of Health, upon the adulteration and deterioration of food.

In every possible way, the most ample and exact information as to the manner in which foods are adulterated, the kinds of food usually tampered with, and the evil effects arising therefrom should be communicated to the people by means of such reports as these mentioned. The results of investigations and experiments should be published and distributed as generally as possible. If the public generally understand the nature and extent of the fraud which is practiced upon them, by the introduction of harmful and inferior substances into articles of food, they would be very likely to raise a vigorous protest against it, and avail themselves of the means provided by law, for preventing the evil and punishing the perpetrator. It is, undoubtedly, true that the majority

of people have little or no idea that many articles of daily consumption as food are more or less adulterated,—their attention never having been especially called to the subject. The aim of those who use adulterations in the manufacture of such articles is, to artfully conceal their dishonest work; and it requires, in most instances, the best expert skill to detect the foreign or deleterious substances in food. It is little wonder then, that persons who purchase and use such articles, in ignorance of their dangerous and fraudulent character, should make no complaint of the injury done them, and should appear to submit tamely to such impositions. But give the people the facts in regard to the food they eat; iterate and reiterate these facts, and show them in what way they are themselves injured, and they will soon insist that their grocers and provision dealers shall supply them with pure articles of food, or suffer the penalty of their wrong doing.

No law can ever be efficiently enforced which has not a public sentiment back of it to sustain it. A public which is indifferent, through ignorance of an evil, will not insist upon its suppression by the officers of the law, whose duty it is; and oftentimes it will be found that the efforts of inspectors and other officers, to carry out the law against the adulteration of food, are paralyzed by the indifference or opposition of the very class for whose benefit the law was enacted. The injury to persons from the use of adulterated food is oftentimes so slight, and the pecuniary loss so small that they find it easier and cheaper to submit to the evil than to make complaint. So that it is not safe to expect that active steps for the enforcement of the law will always be taken by the injured public. The officers charged with the duty of discovering and punishing infraction of the laws against food adulterations, should have the fullest support and encouragement from the public to make complaint against manufacturers and venders of such food, and should be well and sufficiently paid for their services.

No law of human devising will enforce itself. Public intelligence must recognize its necessity, and public sentiment must insist upon its enforcement.

Prof. W. Ripley Nichols, of Boston, said there was no doubt that articles of food, like other commercial articles, were adulterated to a greater or less extent. He believed that all such adulterations should be forbidden by law, and that articles like glucose and oleomargarine should be sold under their own names. He deprecated, however, the circulation of such exaggerated, erroneous, and, in some cases, altogether unfounded reports as have recently been brought before the public. Perfectly good and wholesome articles of food, like glucose and oleomargarine, substances which ought to be considered valuable additions to the food-supply of the

poor, are branded as poisons, and an utterly unwarranted prejudice is created against them. He believed that the adulterations now practised are of a fraudulent and not of a dangerous character, and that, with the exception of a few things which are almost universally adulterated, there is no difficulty in obtaining in a state of practical purity all the necessary articles of food and drink by paying a fair price for the same, at least in this part of the country.

Dr. HUNT, of New Jersey, said there were many adulterations, all fraudulent and some hurtful in his State, particularly in the vicinity of New York city.

Mr. SANBORN called attention to the fact that all adulterations were forgeries, and thought they should be dealt with as commercial forgeries are—not overlooked and considered as necessary evils from which the poor must always suffer.

Dr. LINCOLN exhibited some samples of glucose, sent to him from Chicago, and spoke briefly.

Mr. WINGATE and Prof. REMSEN spoke to the same general effect as Prof. NICHOLS, but no adequate report or synopsis of their remarks has been received.

GENERAL PAPERS.

I. CHRISTIANITY AND THE RELATIONS OF NATIONS.

BY CHARLES L. BRACE.

(Read September 8th, 1880.)

(To the student of human progress) there is one field in which the great moral forces of history appear to have had little effect, and where Christianity itself at first sight seems a failure, — we mean the public relations between nations. War still remains the most fearful curse upon mankind: it still desolates thousands of homes, making innumerable orphans and widows, destroying in a day the results of long and patient labor, and laying in taxation and the support of armies, immense burdens upon the laboring classes. Nations are in the same relations to one another in regard to questions of right or property, in which the barons of the XIV. century were to each other. As then a dispute upon the title to real estate throughout Europe was settled by duel, and as private gentlemen and individual cities in any difference with their neighbors resorted at once to "Private War," declared under due formalities, so now between peoples, disputes in regard to territory or on questions of right and honor are supposed to have but one court of decision, — the arbitrament of armies. Leaving out of view the wars where great principles are involved, like the war for the independence of Hungary, the Franco-Austrian struggle for the freedom of Italy, our own civil war and others, there are still numerous either useless or unjust contests, such as those of the United States with the Indian tribes, of Great Britain with inferior races like the Chinese, Zulus and Afghans, and of France and Germany for supremacy, sufficient to show that Christianity has barely touched international relations among the most highly civilized communities. The losses of the Franco-German war were terrific in human life, and the cost, especially to the laboring classes of both countries, was immense. It is estimated by De Card that recent wars alone in Europe have cost the people fifty milliards (50,000,000,000) of francs! Every country of Continental Europe is eaten up by the taxation necessary on account of the hostile position of peoples who have substantially the same interests.

To the Christian Church, International Law — or the customs and rules of conduct between nations — owes little; but to the moral and religious principles with which Christianity has been slowly impregnating mankind, it has a deep obligation, and will be more and more indebted.

It must be remembered that International Law, as a body, is a creation of the times since Christianity was a living force in public affairs. It is true that many of its rules and principles are derived from the Roman Law, but the modern spirit, which has especially characterized it since Grotius, is essentially influenced by the new faith. This eminent publicist, early in the XVII. century, thus states the motives which prompted him to his great work: "For I saw, prevailing throughout the Christian world, a license in making war, of which even barbarous nations would have been ashamed; recourse being had to arms for slight reason or no reason; and when arms were once taken up, all reverence for divine and human law was thrown away, just as if men were thenceforth authorized to commit crimes without restraint."

His views in regard to limiting the evils of war, and upon war itself, in regard to the treatment of prisoners, good faith to enemies, privateering, humanity to women, the wounded and non-combatants, and finally as to arbitration, are not only far in advance of the XVII. century, but even of this century, and bear the unmistakable impress of Christian teachings.

These opinions of Grotius would deserve quotation in full, did time permit, both because they have affected the relations of nations more than the writings of any publicist before or since his time, and because they are so distinctly the fruits of Christian forces in the world.

Progress in International Law we shall now proceed to test by the humane changes both in practice, custom and law, shown in the public settlements, codes, treaties and practices of nations of the XIX. century, and in the views of eminent publicists. The high-water mark in this century of humane practice and theory in public law is probably best shown in two documents, — the Code of Instructions, issued by the Government of the United States during the great Civil War to their officers and soldiers, compiled by Prof. Lieber, and the proposed Code for a Law of Nations, compiled by Prof. Bluntschli, who has himself borne so distinguished a part in the practical application of these Christian and humane

principles in the arbitration settlement of Geneva between Great Britain and the United States. From these two sources, we shall gather many of our evidences of what the Christian system has already accomplished in public law and custom, and what it proposes to accomplish in the future.

PRIVATEERING.

Apart from these, we will first examine, however, the changes made in "Private War" on the seas, or Privateering. Under the combined influences of the religious spirit and the mercantile habits, Private War on land, especially in Germany, was put an end to, and Courts of Arbitration (*Austraege*) in the XV. century decided between the incessant contests and disputes of separate cities, counties and provinces, until, at length, Law took the place of Force. Private War, or piracy, however, still lingered on the sea, and individual merchants and different seaports were obliged to associate together to defend themselves from incessant robbery and plundering by corsairs.

The first great check to this appeared in the end of the XIV. century, in the issuing of letters of marque or reprizal by various princes, authorizing certain individuals to plunder on the high seas in time of peace. Privateering was thus at first in the interest of public order. The first law in the history of France authorizing privateering appeared in 1400, and distinctly characterized it as a means of preventing private War, when individuals took vengeance in their own hands.

In the same century similar authorizations were issued by the Low Countries, England and various powers.

An English Act of Parliament (1414) required privateers to bring their prizes to an English port, and to make declaration of capture to the justices of the peace, under penalty of confiscation of the prize and the captor.

During the XV. and XVI. centuries, privateering was often well regulated, and, owing to the comparative unimportance of commerce then, did not attain to so great and injurious a development as in the succeeding centuries. During the XVII. and XVIII. centuries, the commerce of both neutral and belligerent powers suffered immensely from this species of robbery. The Christian spirit (as the words of Grotius show) was always opposed to it. Isolated efforts were made to abolish it. Thus, in 1675, Holland and

Sweden made a treaty, agreeing not to issue letters of marque, but this does not appear to have been a permanent agreement. In her wars with Turkey between 1767–74, Russia did not employ privateers. In the XVIII. century, privateering had become an organized piracy, and almost every treaty attempted, but in vain, to restrain it. In that century an American, who though often called an unbeliever, was filled with the truest spirit of Christianity, has the credit of bringing about one of the first important treaties which abolished it. "It is for the interest of humanity in general," says Franklin, in a public despatch to the British Commissioner in 1783, "that the occasions of war and the inducements to it should be diminished. If rapine is abolished, one of the encouragements of war is taken away, and peace therefore more likely to continue and be lasting. The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to public persons, is far from being profitable to all engaged in it, or to the nation that authorizes it." And again: "The United States, though better situated than any other nation to profit by privateering, are, so far as in them lies, endeavoring to abolish the practice by offering in all their treaties with other powers, an article engaging solemnly that in case of a future war, no privateer shall be commissioned on either side, and that merchant ships shall pursue their voyages, unmolested."

Through Franklin's influence, the treaty between Prussia and the United States, in 1785, contained the well-known clause in which each power gave up the right of commissioning privateers against the other, in case of war. This provision, however, was not revived in the renewal of the Treaty in 1799.

So well entrenched was this practice, that a distinguished French publicist, (Hautefeuille) even in this century ventured to say, "The opinion generally adopted on the utility of privateering against an enemy, and especially, the object not avowed but real, the ruin of neutral nations, will always prevent a certain nation from consenting to the abolition of a practice, upon which it founds its maritime greatness." This publicist might have lived to see "a certain nation" taking part in the Congress which abolished it. Still it is to be admitted that the general policy of Great Britain up to this century has been adverse to humane progress in maritime law, with reference to privateering, blockade, and the law of contraband. Her course has certainly tended to make war "*bellum*

omnium contra omnes" (a war of all against all) instead of limiting it, under the modern and humane view.

The great reform in International Law, as limiting the effects of war, dates from the Congress of Paris, 1856, when all the great Powers of Europe, together with Turkey, and later, forty other States agreed to the abolition of privateering, and to the rules which protected neutral commerce, and confined wars as far as practicable to belligerents. Unfortunately, for the fame of this country as a pioneer in human progress, it will be remembered that the United States refused to accept the rule abolishing privateering, unless there were accompanied with it a stipulation of the inviolability of private property on the sea, excepting only contraband of war. This last is a reform which, as was the case with the partial protection of private property on land, requires the slow action of Christianized opinion. Whether our Government were sincere in urging it at that time, is at least open to question. At this time, there can be no doubt that the American people are heartily in favor of it. The mercantile community of Continental Europe, especially in Germany, urged this reform in the years 1859 and 1860, with much enthusiasm. It was presented and voted on favorably in many legislatures. There is little doubt that a future year, not far distant, will see its general adoption. It rests on the Christian idea that war, as a terrible and barbarous Court of Arbitrament, should do no needless damage, but only what furthers the decision and determines the final issue.

The United States, during the war of the Rebellion, offered to accede to the Declaration of Paris, without the condition it had before demanded. The proposed separate conventions, however, on this subject fell through. No letters of marque were issued by this Government during the Civil War, though authorized by Congress.

The German and French Governments in the war of 1876, held to their agreement and employed no privateers. Prof. Bluntschli, in his proposed Code, declares (No. 670) it to be an article of modern International Law, that Privateering is abolished.

INVIOLABILITY OF PRIVATE PROPERTY.

The inviolability of private property on the sea was admitted in the treaty to which we have already referred—that of 1785 between Prussia and the United States; and was recognized in treaties of

the South American States, in 1851 and in 1856. In the wars of Great Britain and France with China, the right of maritime capture was suspended. In March, 1865, the Emperor of the French made public restoration of such private vessels, belonging to Mexican citizens, as had been condemned by prize courts and the proceeds of which had not been finally adjudicated upon. European Governments have often at the close of wars, restored captured ships and formed mixed commissions to ascertain the damages incurred. In 1861, a treaty was framed between France and Peru, which exempted all private property from capture. The same principle was admitted by Prussia, Italy and Austria in the war of 1866; in 1868, the Parliament of Germany passed a resolution, inviting the Chancellor to obtain the acknowledgment of the safety of private property on the sea during war; no public acknowledgment, however, was obtained. In the Franco-German war of 1870, King William, in his proclamation of 18th July, declares that French merchant ships can neither be brought in nor captured by the Federal marine. This advanced measure, however, was not responded to by the French Government, so that before the close of the war, the German military authorities believed themselves obliged to suspend this rule. The French Government of National Defence, however (Oct. 1870), expressed the hope that the progress of ideas would in this matter ultimately soften the evils of war.

In July, 1870, the Secretary of State of the United States gave utterance publicly to the expectation that the people of the United States would have the satisfaction soon of seeing the principle recognized universally of the abolition of maritime prizes.

The objections made to this reform even by so enlightened a publicist as Dana, seem of little weight. Modern wars are of so concentrated and terrible a character, that the damage done to individual property on the sea has little influence on the issue. It is merely a useless damage, which modern humanity condemns, even toward an enemy.

These two great reforms then—the abolition of privateering and the inviolability of private property on the sea—may be considered as almost won by the humane influences working in the world under Christianity. The principle which lies at the base of this and similar reforms, is one which will be more and more recognized by all those truly feeling the modern teachings of humanity: the

principle that war is between States and not individuals. War, like the "judicial duel" of the Middle Ages, is a process, terrible and barbarous indeed, whereby justice is sought between two contestants. The citizens of each State are only considered as enemies, when they take a personal part in the struggle, or discharge public duties. It is true that many eminent publicists, American and English, do not admit this principle. According to Sir J. Nicholl, "There could be no such thing as a war for arms, and a peace for commerce." Twiss, in his "Law of Nations," says with more antithesis than truth, "because private war is inconsistent with public peace, it follows that public war is equally inconsistent with private peace;" Vattel (book III, c. 5,) declares all the citizens of belligerent nations, enemies, even the women and children; and Kent states that all citizens of belligerents are in hostility with one another.

Modern practice, however, under the influence of "the enthusiasm of humanity" is more and more conforming itself to the more humane principle. Even as far back as the French Revolution, Portalis, Minister of the Republic, uttered these remarkable words at the opening of the Council of Prizes: "Between two or more belligerent nations, the individuals of which those nations are composed, are only enemies by accident; they are not so as men; they are not so even as citizens; they are so only as soldiers." In the war of 1870, King William of Germany proclaimed, "I make war against French soldiers not against French citizens," assuring the citizens of protection to their property, so long as they did not indulge in acts of hostility against the German troops.

THE NEW CODES.

The American Instructions and Prof. Bluntschli's Code, forbid putting human beings to death in war, without object or utility, or the wounding, torturing, maltreating or enslaving a prisoner, or violating or assailing women. Both demand the protection of the religion, the language, the intellectual culture and honor of the vanquished. When one recalls the bloody wars of the past, whereby one form of religion was to be forced on a people dissenting, the advance in modern international customs is made clear to the most doubting. Both of these humane codes forbid all carnage and destruction which does not tend to the reëstablishment of justice—the object of war. Even the killing of an armed enemy

uselessly is forbidden. Under the general principle of which we have spoken, the plundering of property in an enemy's country is absolutely forbidden by the more humane rules of modern International Law, excepting it be the fortune of the belligerent State itself, the arms and equipment of the conquered soldiers, and articles contraband of war. There is still also left in question the plundering of the property of citizens in a place taken by assault, and the right of maritime prizes; but both these barbarous privileges of war may be said to be passing away. All public buildings for scientific, æsthetic or philanthropic purposes are required to be respected in an enemy's country; and it is no longer according to international usage to carry off works of art from a conquered country, or to sell them to defray the expenses of the war. It is true that many of the reforms, spoken of above, have been only carried out in the practice of one or two nations, or are merely proposals of eminent publicists. Still the whole body of International Law is merely the expression of the moral ideas and principles of leading nations with regard to their relations, without any fixed authority but custom, and no basis but justice or the highest utility. The theories of eminent writers resting on the highest morality, and above all, the practice of any one nation, must influence profoundly all nations.

One of the terrible abuses of war is in "reprisals." Humanity and Religion have as yet scarcely influenced these. The American Instructions contain indeed on this subject excellent sentiments, and they were not violated by the United States during the Civil War. "Civilized nations," says Art. 27, "acknowledge in retaliations the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage. Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protection and retribution, and moreover cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful enquiry into the real occurrence and the character of the misdeeds that may demand retribution. Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of a regular war, and by rapid steps leads them to the internecine wars of savages." (Art. 28.)

Prof. Bluntschli is equally humane in his view of this terrible measure. The recent European Conventions have, however, been

able in no degree to mitigate the law of reprisals, and they remain the great cruelty of war.

THE WOUNDED.

Nothing disgraced the humanity of the past, like the neglect and cruelty practiced towards the wounded in war. Under modern law, the ambulances and military hospitals for the wounded are held to be neutral, and are respected and protected by the belligerents. In 1864, a convention was held at Geneva for the amelioration of the fate of the wounded during military campaigns; and this humane effort led to the series of international movements, one of the latest fruits of Christianity, designed to alleviate the evils of war. An agreement was signed and adopted by the Swiss Confederation, the United States of America, and nearly all the great Powers of Europe, having for its object to neutralize everything employed in the care of the wounded. This agreement was adopted by Austria after the war of 1866, and by Russia, in 1867. In a conference, held at Geneva, in 1868, of the principal European States, this humane agreement was extended to the care of the wounded on the sea. The duty of both belligerents, to provide, so far as is practicable, even for wounded enemies, is now a recognized feature of International Law, and may be considered as the first public effort in the history of mankind, to carry out one of the foundation rules of Christianity, "Love your enemies."

The care of the wounded in our own civil war, and the Franco-German war, by private associations of philanthropic persons, working in combination with the Governments, is one of the latest practical fruits of religion, and has relieved an untold amount of human misery.

The Convention of St. Petersburg, in 1868, entered into, on the proposal of Russia, bound the leading European powers to greater humanity. It limited the objects of war "to weaken the military forces of the enemy;" that, for this purpose, "it is sufficient to disable the greatest possible number of men; that this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable; that the employment of such arms would, therefore, be contrary to the laws of humanity." The great Powers accordingly renounced the employment of projectiles, explosive, or charged with inflammable substances, below a given weight.

The drift of all international policy in regard to neutral Powers, has been in the humane direction, and, therefore, in the channels which religion would suggest. War is as much as possible to be limited in its evils. As we have already said, the abolition of privateering will lessen to an immense extent the curses of war to those who are engaged in peaceful occupations. The customary notice now given to merchant vessels, allowing them several weeks to depart, after the declaration of war, is a reform in a similar direction. The Rules of Paris (1856) have settled the dispute of ages in favor of neutral Powers. A free ship carries a free cargo, and a free cargo cannot be seized on an enemy's ship. Blockade can no longer annoy a whole world of peaceful persons, any farther than it is a real blockade.

Even the British Government has been ready to acknowledge that the progress of civilization has brought about stricter obligation in regard to neutral supplies to belligerents,* and the duty of limiting war to the smallest extent possible.

ARBITRATION.

(The highest result of the Christian spirit, as seen in public affairs in this century, is the disposition to settle difficulties and prevent war, by arbitration.) As we have already remarked, the great step of Continental Europe from anarchy and war to the rule of law, was made in Germany in the XIV. and XV. centuries, by the settlement of "private war" through mutually appointed Courts of Arbitration (Austraege). This great reform was the beginning of modern civilization, or the era in which law and courts took the place of arms between individuals and opposing cities. (It is by no means improbable that the arbitration of the XIX. century is also the beginning of a higher Christian civilization, when International Law and International Courts, shall take the place of war and force in the settlement of disputes between nations.) As it may be supposed, settlement of public disputes by arbitration is not entirely a modern discovery. While the instincts of right and justice existed, there must always have been a possibility of such a settlement. Even as far back as the XVI. century, different kings of European States are found determining difficulties by this reasonable mode. In one instance (1546) the kings of France and England settled a dispute in regard to a large sum of money by a

* Despatch of Count Granville to the British Government, Sept. 15, 1870.

reference of the matter to four learned jurisconsults, probably the first instance of a practice to become common, of referring matters of International Law to private students of the science. Subjects more difficult to settle than differences about money, were referred in that century to arbiters. The kings of Spain and Switzerland decided a dispute in regard to the boundaries of Franche Comté by arbitration. Even the claims of a sovereign Power were referred to a foreign decision, as when the Arch Duke of Austria, and the Duke of Wurtemburg, each claiming a certain county (Montbeliard), laid the litigation before the Parliament of Grenoble.

It is to the credit of both Great Britain and the United States, that they resorted to arbitration in one of their first treaties. After the independence of the American colonies, difficulties arose between them and the mother country as to the Northeastern boundary of the Union. By the treaty of 1794, the dispute was to be finally decided by Commissioners chosen in the following manner: one by the king of Great Britain, another by the President of the United States, with the advice and consent of the senate, and the third — in case of disagreement between the two — to be chosen by the above Commissioners. Two other Commissioners were appointed to determine indemnities due the subjects of each Power, for damages. In this treaty is undoubtedly indicated that greatest practical exemplification in modern times of humane principles — the settlement by the Geneva Arbitration.

MEDIATION.

The famous Conference of Paris (1856), as we have said, originated or confirmed some of the important reforms of modern International Law. It discussed another subject of the deepest importance to the future of humanity — the prevention of war by the mediation and collective decision and arbitration of the great Powers of Europe. Article eighth required if there arose between the Sublime Porte and one or more of the signatory Powers, a disagreement which threatened their peaceful relations, that these Powers before resorting to force should apply to the other contracting Powers for their mediation.

The discussion on this humane and reasonable proposition, showed that the representatives of the great Powers of Europe were by no means peculiarly favorable to such proposals. The results of the last few years have proved that even this mild suggestion,

and the wishes expressed by the plenipotentiaries, that "all States among whom disagreements arose, would, before appealing to arms, have recourse to the good offices of a friendly Power," were far beyond the old barbaric habits of Europe, and produced little practical effect. Still, they indicate the ideal which has arisen before the thoughtful mind of the age, — the constitution by the great Powers of Europe of a kind of combined Court of Mediation and Arbitration, which should prevent war, and even enforce its decisions in the interest of general peace.

In only two cases has the mediation of the great European Powers since 1856, brought about peace; one in the case of Luxembourg between France and Prussia, in 1867 — a mediation on the part of England, which only delayed a few years the terrible war that afterwards broke out. The other in 1869, the case of Candia between Turkey and Greece — a settlement by the great Powers which was by no means in the permanent interest of either peace or justice.

No mediation was able to prevent the terrible conflict of 1870.

If we refer back to European history in this century, we shall find a number of instances wherein the reasonable settlement of differences between nations by arbitration has been successfully attempted.

During a war of France with the Moors, certain English merchant vessels were captured by the French on the coast of Portendik, it was claimed, without sufficient notice of the blockade. The claims of the English merchants injured were referred by the two cabinets to the king of Prussia, and on Nov. 9th, 1843, a decision was given, that a fine should be paid to the English merchants, injured by the French Government—a fine fixed afterwards at 4,770 francs by a mixed commission. A war was thus avoided and justice done, to the satisfaction of all parties.

The case of the *Armstrong*, wherein an American ship was destroyed in a neutral harbor (Fayal) by an English vessel of war, was a delicate one, involving a claim on a neutral Power for injuries sustained within its limits by a foreign Power. The claim for damages on Portugal by the United States was referred by both Powers for settlement to the President of the French Republic. The arbiter decided (Nov. 30, 1852) against the United States; the decision was quietly accepted and war averted.

In 1862, a case of arbitration occurred, where national pride

might easily have led to violent measures. The officers of a British ship, *La Forte*, insulted a Brazilian sentinel and were thrown into prison, but soon afterwards released on the demand of the British vice-consul. The English cabinet demanded reparation from the Brazilian authorities, and the dispute was referred to the king of the Belgians, as arbiter. He decided in favor of Brazil and the decision was accepted. A difference occurred in 1821, between Chili and the United States, which aroused much excitement, and nearly brought on a war between the two countries. The Chilian vice-admiral had violated the rule of International Law, which protects private property on land, especially that of a neutral; he ordered the seizure on the territory of Peru, of considerable sums of money, the fruit of the sale of merchandize brought in by an American merchantship, the brig *Macedonian*. The United States Government addressed a note to the Government of Chili, demanding the restitution of the moneys seized. The ministry of Chili refused to accede to the demand. Popular feeling in the United States was in favor of war to enforce the claim. The dispute, however, was at length submitted to arbitration, and that wise monarch, Leopold I., king of the Belgians, became again the arbiter. His decision was not rendered till May, 1863, and was fully in favor of the United States. Great waste of property and loss of life were saved, and both parties remained in amicable relations. An arbitration between the Governments of Peru and Japan, in 1875, is interesting as one of the first instances in which a non-Christian Power accepted this method of settlement. The case was that of the *Maria Luz*, a Peruvian vessel, arrested in the port of Kanagawa by the Japanese authorities, and was decided by the arbiter, the Emperor of Russia, in favor of Japan.

It has chanced that a number of cases of dispute between this country and Great Britain, of comparatively minor importance, have been determined in the last few years by arbitration; among them, that of the *Creole* in 1853.

DISPUTES AS TO TERRITORY.

Disputes, however, in regard to claims on territory are thought to be of a more vital nature, and not so easily settled by umpires. The discussion in regard to rights of territory on Puget's Sound was one of this nature, and endangered the relations of the two countries during a considerable period. A treaty, however, was

signed on June 1st, 1863, whereby the question was referred to two arbiters, one being named by each Government, who had power to name a third, if they disagreed. They were not even obliged to choose the third, so fair and just were their views, and their decision, rendered September, 1867, was received by both parties without protest.

The similar dispute in regard to the Northwestern boundary with Great Britain, had seemed to this Government so unreasonable, that it had declined arbitration six times in regard to it. The case, however, was finally referred for arbitration to the Emperor of Germany, and was decided in favor of the United States, October, 1872; this decision closing a century-long dispute on boundaries.

A difference occurred also between Great Britain and Portugal, relative to the rights of each Government to the Island of Balama on the western coast of Africa. The matter was referred in 1869 to the President of the United States as arbiter; his decision was in favor of Portugal, and was received by England without opposition.

The great affair of the Alabama and of the injuries inflicted by the rebel cruisers, is too fresh to need recapitulation.

The Geneva Arbitration of 1872, to which it led, may be fairly held as one of the high-water marks in modern progress towards right reason in the settlement of international difficulties. It is true that its influence for the time is somewhat diminished by the disgraceful delays and disputes in regard to the distribution of the indemnity among claimants in the United States. Then the settlement since of the Fishery question with Great Britain by an arbitration which seemed to our people unfair and unjust to our interests, has for the time weakened the power of this method of settlement here, as did the results of the Geneva Arbitration in England. But these are only passing objections. The two leading commercial Powers of the world, in a time of great bitterness of popular feeling, and when one side felt itself deeply injured, under circumstances which in all past history would have been thought to justify war, have deliberately controlled passion, and submitted their differences to the most impartial earthly arbiters. This is one of the first prominent instances in history of the influence of Christianity on the relations of nations. It is for this reason of the highest importance in the moral history of the race.

The sketch we have given of different cases of arbitration is a

list of the "victories of peace." It is well completed by the most momentous of all—the Geneva settlement.

(In some future and better age, when Christianity no longer touches the surface of society but has imbued whole races of men and affected the relations of Governments, it will not be battles which constitute history, or the record of fields of blood which make a nation's glory; but the historian will delight to chronicle these first gleams of a higher civilization, when reason was taking the place of passion, and law of force, and Christianity of hatred and revenge, in the relation of one nation to another.)

UNIVERSAL PEACE.

The question is often put, whether Arbitration can ever become universal, or whether the principles of Christianity can ever imbue whole peoples as they have inspired individuals.

Mr. Herbert Spencer has drawn a prophetic picture of the future of mankind under the working of evolution upon the altruistic or benevolent tendencies of the race. From what is seen in a few favored individuals, we can judge, he argues, of the possibilities of mankind, while the laws of evolution must of necessity work out towards the final victory in the struggle for existence of altruistic tendencies.

Looking at what Christianity has done with a few individuals, we may also judge of the far future with mankind, and, from a few traces now in International Laws and customs, what it may accomplish, after ages of influence, upon nations and governments.

We have beheld it redeeming the lot of the prisoner of war, from one exposed to massacre, and slavery to that of the captive humanely treated under modern customs of war; we have seen it ministering to the wants of the wounded, and protecting all that belongs to their care even in the army of an enemy; we have found it prohibiting even the killing of an unarmed enemy, forbidding all useless destruction of life and property, all injury of women or defenceless persons, all objectless wasting of fields and fruits; we have seen it doing away with piracy and privateering, with the plunder of philanthropic and scientific buildings, with all private booty, and even urging the protection of private property on the sea.

What but the influence of the "Religion of Love," direct or indirect, has done so much to limit the evils of war, and to confine them to the belligerents?

It is true, war is still the gigantic evil of history—the one great travesty of the faith which leading nations profess. Yet the spirit of this faith has won its greatest triumph in finally introducing Arbitration between disputing nations.

There can hardly be a doubt that in the distant future Arbitration in some form will be the great method of settling international differences. For the coming few centuries, it will probably only be applicable to exceptional cases, when national pride and passion are not too much aroused. But the increasing power of the religious sentiment and of right reason among men, and it may be, the growing influence of the laboring classes, who suffer most from war, will force cabinets more and more to this mode of settlement.

If we look at the progress in the slow abolition of "Private War" in Europe, we shall conclude that in some form, the civilized world will go through a similar change and development and rise out of the comparative barbarism of the XIX. century, as Europe rose out of the barbarism of the XV. century. The probable course of development will be, first, in the great Powers of the world agreeing beforehand when a given treaty is framed, that any difference in relation to that particular treaty, shall be determined by Arbitration. The Postal treaties of the United States with foreign Powers contain a clause of this character. In 1853, the American Senate adopted a resolution designed to accomplish this humane purpose: to the effect that the President should insert in all future treaties an article binding the contracting parties to submit all differences between them to impartial arbiters. In December, 1873, a resolution even more extended, by Senator Sumner, was presented in the Senate, requiring the Government to recommend the adoption of Arbitration in its relations with other nations. The greater part of the European treaties of commerce and the international postal treaties contain provisions relating to Arbitration, in case of disagreement as to the treaties. As we shall show later, the Arbitration clause has been recommended to the attention of ministers by the votes of the Belgian, Dutch and Swedish Chambers, and everywhere tends to be inserted in all treaties. The habit of Arbitration will thus be introduced in international relations. And in all great legal reforms, habits have a prodigious power. At first, it could only be employed in comparatively unimportant disputes, but gradually it would come into play in more vital matters.

The next great step in the application of right reason to international affairs, will be the formation of International Codes or rules of law, which will affect the opinion and the practice of the civilized world. We have already seen the prodigious influence of Grotius in softening the barbarisms of war, and binding different peoples in more humane relations. It is a matter deeply to be regretted, that American and British publicists since his time have done so little to express Christian and humane ideals in their treatises on International Law. In a science which rests so much on opinion and the principles of equity, each author might have advanced it, almost as Grotius did, by urging all practicable principles of Christianity. The Code of Instructions adopted by the American Government in the Civil War, and Prof. Bluntschli's Code are both great steps in advance, and must influence all future relations of nations. Another project of an International Code by an American publicist, Mr. D. D. Field, has attracted much attention in Europe, from its humane proposals. It will be a long period before these humane essays towards a form of law which shall govern all the civilized world, will be accepted. Yet they make a foundation for the better future. The opinion of the world already has a prodigious power over all nations. And these careful embodiments of its humane feelings and ideas must add to this power.

COURTS OF ARBITRATION.

But the final step to the "Universal Peace," so long dreamed of by moralists, will be the formation of International Courts of Arbitration, vested with the powers of Courts by all the great nations. It is admitted that the times are not ripe for this as yet, and may not be for many centuries. In 1873, Mr. Richard presented a motion to the British Parliament, only indicating an approach towards such a reform: to the effect that the Queen be humbly requested to instruct her Minister of Foreign Affairs to enter into communication with foreign Powers, having for their object to ameliorate International Law, and to institute a system of permanent and general International Arbitration.

Mr. Gladstone and other orators expressed many doubts of the project; but the motion passed (July 9th), after much discussion, and on the 11th, the Queen replied to it in conciliating words which guardedly expressed much sympathy in the project, without committing the Government to fixed promises.

In the Italian Parliament, Sig. Mancini presented (August 24, 1873) a somewhat similar motion to Mr. Richard's, except that he confined Arbitration more particularly to disputes on commercial interests or similar subjects, and he would introduce into all treaties a clause referring disputes on them to arbiters, and pursue the previous policy of Italy in rendering uniform and obligatory, the rules of "private International Law." This moderate position was well received in Italy.

Other States followed this example. The lower Chamber of the Kingdom of Holland (Nov. 27, 1874) passed a motion of a similar character, and urging Arbitration for all international difficulties. The Belgian House of Representatives adopted a similar resolution unanimously in favor of Arbitration (Feb. 17, 1875). The Swedish Second Chamber voted by a large majority an address to the King, praying for efforts towards a permanent Tribunal of Arbitration between nations.

It will thus be seen that many public bodies in Europe and America have seriously considered this benevolent project. It is well known that eminent individuals, in advance of their age, have long urged it as the greatest reform needed among nations. Grotius, as we have seen, contemplated it as a possibility. Leibnitz, William Penn, Bentham and many others argued for it; Kant's project for a Universal Peace through Arbitration, and the similar views of the Abbé de St. Pierre and of Rousseau, are too well known to need recapitulation.

These humane purposes and projects took a definite form in the International Conference of Brussels in 1874, called especially at the request of the Russian Government. The invitation to this Conference contains words worth citing: "The more that solidarity," says Prince Gortschakoff, "becomes developed which tends in these times to bring together and to unite nations as members of one family, the more their military organization tends to give to their wars the character of conflicts between armed nations, the more necessary does it become to determine with greater precision the laws and usages admissible in a state of war, in order to limit the consequences and diminish the calamities attendant upon it, so far as may be possible or desirable."* The fifty-six articles which were especially to be considered by the Conference, embraced most of the points treated so thoroughly in the American Instruc-

* Despatch of Prince Gortschakoff, March 4, 1874.

tions and the Bluntschli Code. The Conference does not seem to have produced much effect, perhaps partly from the want of sympathy in its objects by the British Government, and partly because the great Powers have not reached the point of moral advance, in which these reforms seem indispensable.

The formation of an "Institute for the Codification and improvement of International Law" in Europe and the United States, which has already urged the most humane reforms through eminent authorities, is another evidence of the power of humane Christian opinion on this great subject.

The great objections to the formation of a permanent Court of Arbitration, with executive Powers furnished by each nation, are undoubtedly the fear that such an authority would threaten the independence of single States, and that the execution of its decisions would only create new wars, instead of abolishing old. But it would not be difficult to form a judicial authority with limited powers, which would only have the right to decide and act upon definite questions, such as do not affect the independence of a State. Each nation would yield up certain of its rights to a power of which it was a part, in the interest of general peace. Of course, great care would be necessary to prevent the Court from becoming corrupt, or an agent itself of tyranny and injustice. These obstacles, though formidable, do not seem insurmountable. Almost as great were overcome in constituting the Federal Court of the United States. The interest of all nations is especially in peace. And many temporary annoyances might be endured, in a certain yielding of powers, for the sake of so great a blessing. The enormous expenses of large standing armies would be in part saved, as each Power would need only to contribute its quota to the executive forces of the International Court. Even questions, which are supposed to affect the honor or independence of a State, would often come before such a Court, not for executive decision but for its opinion. And an opinion from such an authority would have an incalculable effect on any civilized Power. Even the mere stopping, before the rush to arms, to hear an impartial judgment on the quarrel, would exert a profound influence on the approaching belligerents. The voice of reason and religion would thus have a chance to be heard.

The full Christianization of International Law awaits the slow action of Christianized public opinion. But much may be done,

as much has been done, to humanize the relations of nations, to soften the asperities of war, to lessen its causes and finally to prevent it. If the Christian Church throughout the world were fully aroused to its duties in this matter, and were aware how far behind the precepts of the Master, his nominal followers are, there would long ago have been a public opinion in Europe and America which would have rendered any war difficult if not impossible.

(Peace among all men and all nations is the ideal presented by CHRIST. And by one class of means or other when at length His teachings have thoroughly permeated mankind, this ideal will be attained.)

II. INDETERMINATE SENTENCES AND THEIR RESULTS IN NEW YORK.

BY Z. R. BROCKWAY, SUPERINTENDENT OF THE ELMIRA REFORMATORY PRISON.

(Read September 8.)

Thoughtful men must be interested in efforts to reduce to the standard of reason the penal laws and system of a State or Nation, for these form a considerable part of every system of legislation and are of great importance to the happiness, peace and security of every member of society. The growth of population in our own country, with the consequent development of resources and civilization, forces upon us an increased interest; for, while the ratio of crimes to the population remains substantially unchanged, its greater density offers new incitements to crimes, and the quickened sensibility of the public mind is more prone to take cognizance of them. The accumulation of convicts in prisons, the pecuniary burden of providing suitable prison establishments and sometimes of supporting the prisoners, the danger to be reasonably feared from the constant release of criminals who are unreformed or rendered worse by imprisonment, form another reason for giving attention to the matter, as does also the manifest incongruity between the penal code, the prison system, and the intelligent thought of the time upon the subject of crime and the treatment of criminals.

Since government derives its strength and authority from the consent of the governed, who, wearied of the strifes and uncertainties of natural independence, voluntarily sacrifice some part of it to enjoy the rest in peace and security, it must be administered with beneficent design, and so as really to promote the prosperity and happiness of society at large, or, failing to fulfil its office, will sooner or later be overthrown. Society being composed of individuals, the welfare of the whole involves the welfare of each, upon the acknowledged principle that "the strength of a nation is in proportion to the virtue and intelligence of the people." There may possibly arise isolated cases where the interests of the individual sacrificed shall promote the interest of the whole; but this is confidently denied, it being alleged that the general interest of society embraces that of each individual member, and that when there is apparent conflict it is because of the narrow selfish-

ness and short-sightedness of men. But, in reality and truth, when rightly viewed, there is no conflict at all. It follows, then, that the best welfare of each individual, whether good, bad or indifferent, is identical with that of society at large; and any law or system, created or administered in disregard of the humblest or the worst, is wrong in principle, weakens the government itself and works injury to its subjects.

For the purposes of this discussion the subjects of a government may be divided into two classes, under the head of law-makers and of law-breakers,—those who frame laws, found institutions and foster them, and those who feel the force of the former, who comprise the population of public institutions and fight against them both. The source of the former classification is with the well-to-do, the educated, the religious, forming the respectable classes; men having measurably clear views of the true policy for their intercourse with others, whose natural impulses are in the main right, whose minds hold the instincts subservient to reason, and whose will controls the mind. These are not under law, are not restrained from crime by its penalties; they have by inheritance or development been emancipated and no longer feel its bondage; they are naturally benevolent, they do not need rules to guide them clear of others' rights.

The source of the law-breakers, and their distinctive traits, though equally clear, are not so easily stated. They are poor in purse, degenerate in their whole being; and this springs very largely from their origin. Since feudal times, we know the land in Europe has been much absorbed by the nobles and the gentry; and, even now, tenants are driven from their hamlets and homes to find shelter and sustenance, amidst degraded surroundings in the crowded communities of towns and cities. One half of England, it is said, is owned by 150 persons, and 19½ millions of acres in Scotland by twelve great landed proprietors. The rural populations of England and Ireland, from which emigration is largely supplied, are, according to English authority, living on insufficient diet and in scanty homes. An official report made to Parliament, not many years since, on dietaries in county and borough gaols, including an account of the diet of the rural population, also, the result of the medical inquiry ordered by the Privy Council, at about the same time, as to the food of the poorer classes in England, both show an alarming deficiency, with great consequent

physical and mental degeneracy. That such physical and mental condition gives prevalence to crime, is probable, and this view is supported by abundant statistical evidence. Reports on the sanitary condition of the laboring population of England show, also, that their cottages are such as to degrade their social life, containing sometimes three, but oftener, only two rooms, and, in a great many cases, only one room; that, frequently, where only one room was available for the whole family, men were taken in as lodgers, so that in some parishes, it is reported the number of illegitimate children exceeded that of those born in wedlock. The writer significantly says: "The consequence of this state of things on the rising generation may be imagined." This insufficiency of food, and of everything that is necessary to the comfort and decency of domestic life, must produce a low moral condition; and, can there be any doubt that degeneracy of character is the condition favorable for the commission of crimes? Indeed, is not crime the natural and sure product of such character?

Now, of 100,000 prisoners received into various prison establishments in this country, fully seventy-five per cent. were of foreign parentage, and the remainder were almost uniformly from a low social condition in our own country. Almost all of them were poor in purse and of dissipated habits, so that by circumstances, as well as by inheritance, they were enticed towards crime.

These facts must not be ignored. When we come to frame laws and organize institutions, we are bound to consider them or suffer the consequences of our neglect. I would not stay the stream of immigration, whose benefits are gratefully acknowledged. We are proud of our adopted fellow-citizens, many of them nature's noblemen, gladly raising them to the honors and responsibilities of official position; and we welcome, also, to our broad fields and free political institutions, the poor and afflicted of other lands, — of *all* other lands; nevertheless, the new element thus introduced demands consideration; and a careful adjustment of laws and institutions is indispensable.

THE LAW-BREAKERS.

Criminals are of three classes, or are to be found in one of three stages of deterioration: (1) Those who from infirm physical constitution, or weak mind, or impotent moral faculties, become mendicants, and live by such occupations as tend to engage them

in affrays and various violations of law, either as principals or participants: (2) Those who are usually industrious, but are engaged in such pursuits for a living, menial, or otherwise, as yield a bare subsistence, leaving for them only the coarser sensual indulgences, to relieve at all the drudgery of their lives: (3) Those who, for living with such excitements as they desire, deliberately pursue a vicious course until they are caught and compelled to desist by the constraints of custody.

Each of these classes has its peculiar degraded physical organization which is at once a source and a sign, to the experienced eye, of the tendency of the mind within. Morbid physiques and vitiated tastes, weak or unbalanced wills, and the sway of instinct rather than reason, are some of the distinctive traits of the class under consideration. Such conditions of character come to them often without choice of the possessors. The culture or unculture of the early life, in the surroundings into which they are born, and the influence of hereditary tendencies have an important bearing. The well-informed now declare the doctrine that blindness, deafness, deformity, orphanage, idiocy, insanity, pauperism and crime are but various forms of dependence and are of essential identity.

In this connection some facts which I have gathered may be of value. Forty-four per cent. of prisoners inherit from their ancestry whatever of nervous disease and vicious impulse is transmitted by intemperance, gross ignorance, licentiousness, epilepsy, pauperism, *all* these; 20 per cent. inherit from intemperance, ignorance and epilepsy; 14 per cent. from intemperance and extreme irritability, amounting almost to insanity; 12 per cent. from intemperance and pauperism, while only four per cent. spring from healthy stock and favorable early influences. It is further shown that 28 per cent. of prisoners have relations who are criminals.

One writer says, "The essential nature of crime and of pauperism being so nearly the same, we find, by prosecuting our enquiries, that *the causes of both are the same.* The cause may be internal, personal to the man himself, it may be disease, misfortune, vice, or it may be external, he may be a pauper or criminal, not on account of any personal peculiarity in which he differs from other men, but on account of his peculiar circumstances and relations, over which, possibly, he has no control—good men, as the world goes, are sometimes driven into crime or made paupers perforce. The cause may be immediate or it may be remote. Character and

circumstances are an *inheritance*. But in any case, it is always from one of two things that pauperism or criminality immediately springs, either a *defective supply* of the essentials for right development, or of constitution derived from ancestors; or else it is *excessive expenditure*, intemperance, prodigality, license."

It seems to follow from this premise that in either case the true office of a government that seeks the highest good of *all* its subjects is not punishment for the sake of punishment, but punishment, or rather treatment, for protection and cure.

But whether crime is the result of disease or deliberate wickedness, it can make no difference in the principles of treatment; for in either case due regard for the safety of society and the best intents of the prisoner, himself, should prevent his summary release and suggest his restraint until restored to a better frame of mind. We cannot ascertain how far a criminal is morally responsible for a given act, and we cannot therefore safely administer vengeance, and the Almighty has reserved this office to Himself by inspired declaration: "Vengeance is mine, I will repay."

I suppose every body will agree that the ultimate object of public punishment is the diminution of crime to the lowest attainable point; and it may seem presumptuous to deny that the deterrent principle, so captivating to the mind on its mere mention, having such fast hold on public favor in all ages, is the true basis on which to build a system of penalties for crimes; yet it is repudiated by most eminent jurists, by some prison managers, and by a few theologians. "The object of punishment," declares Beccaria, "is not to torment a sensible being nor to undo a crime already committed. Can the groans of a tortured wretch recall the time past or reverse the crime he has committed? The end of punishment, therefore, is (1) to prevent the criminal from doing further injury to society, and (2) to prevent others from committing the like offence."

Mr. Adderley says: "If every stroke on the shoulders of a thief should scare thousands of outstretched fingers from diving into honest men's pockets, and save the owners of these fingers from pain and disgrace, it would be a state of things very agreeable to contemplate; but," he continues, "it is for the most part only a creation of the fancy.

"Deterrents have a certain degree of power beyond all doubt, and the power, such as it exists, is of the kind indicated by

the maxim 'The fears of the many arise from the pains of the few,' is freely admitted. But each expedient which that maxim suggests has been tried in every possible form, and the state of crime in all ages and in all countries abundantly supports the assertion that deterrents, however used, whether in large or small doses, whether at once or with repetitions extended over a long period, are but weak agents and cannot be relied upon for any efficacious repression of crime."

It is admitted that if both certainty and proximity of punishment could be secured for every offence the deterrent principle might be more efficient; but this cannot be. The fact is, the professional criminal looks upon detection and punishment as the tradesman looks upon a bad debt, namely, as a misfortune incident to his occupation and he draws the same lesson from it, that is, to be more watchful in future. Dr. Bittinger estimates that only twelve per centum of crimes are detected and punished; and what is true of the past and present will probably be true of the future. Even if it could be that every offence was swiftly and properly punished, it is too much to expect that the criminal class would be sufficiently restrained by it. They are exceptional, not amenable to the restraints found sufficient to govern the bulk of society. But a small portion of the prison population are professionals calculating the chances of detection as a business risk, but they are ignorant, impulsive youths who rush headlong into crime with no just apprehension of its immorality, its cruelty or the consequences to themselves; and while a diminution of particular crimes in a given community may be, or has been, had through certainty, proximity or severity of punishment, it is believed in a short time this effect would be lost, for (Beccaria) "The minds of men in familiarity with punishments, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible; and, the force of the passions still continuing, in the space of an hundred years the wheel terrifies no more than formerly the prison. Then, too, if punishments are to deter by intimidation they must be frequently applied, which involves frequent punishable crimes, so that the very crimes disprove the deterrent effect designed. The assumption that the deterrent force of punishment upon the criminal himself will increase in proportion to the certainty, proximity and pungency of its infliction, would possibly be right if there were any means of stereotyping the state of mind in which the criminal

finds himself at the moment of suffering. But that is just where we fail. However, keep the impression produced, it soon wears away."

The best to be said for deterrent punishment is, that the associated ideas of pain and crime, coeval as they are with civil government, have wrought into the human mind an actual, if unconsciously, restraining influence. The conduct of all is doubtless determined by unmeasurable influences, operating upon us consciously and unconsciously, among which may be properly named, no doubt, the statutory laws and penalties against crime. But it should also be recognized that the spirit of the criminal laws, in a long period of time, becomes impressed upon the people, tending to cultivate a public tone favorable or unfavorable to the commisssion of crimes; and it is important in this regard that the law shall be high-toned and benevolent, not unnecessarily severe or vindictive. The effect of the penalties of the law upon character is more apparent with criminals directly subjected to them, and a somewhat extended observation shows that the effect of the present system is often injurious.

That time sentences, generally determined by statute before the criminal is arraigned, and particularly imposed by the court at the time of conviction, cannot properly insure either the one or the other, is now a well-settled opinion among those best competent to judge, and seems to be, well-nigh, a self-evident truth. It is not difficult for the court to determine, in the presence of the convicted criminal, whether the safety of society requires that restraints of custody shall be imposed; but since safety can only be secured by continued custody or reformation, beyond that the court cannot properly go. Knowing but imperfectly the character of the criminal at the time of conviction, and, therefore, unable to foresee the necessary changes to be wrought for safe citizenship; not knowing the discipline to which the prisoner will be subjected, or the influences to impress him, no attempt should be made to predetermine the period of custodial incapacitation, and the date when the prisoner may be safely released. It has been observed, too, that a definite sentence is of evil effect upon the prisoner's mind, and is a hindrance to his reformation. If he esteems it too long, he is at first exasperated and then depressed,—if too short, he cherishes present preferences, and hopes for the return to old associations and vicious practices,—and, in any event, the time

sentence diverts the prisoner's mind from the matter of his own improvement, by engrossing his attention upon the passing time to be endured as easily as may be. It would be a novelty indeed to find a prisoner who, upon conviction, esteems his sentence just. One such case, however, now occurs to me. The prisoner having served out the allotted imprisonment said, "Now, I am quits with society. I inflicted an injury, society has paid me back an injury—that is settled and we now start even again." He plunged immediately into dissipation and crime, soon reaching imprisonment for the second offence of felony.

INDETERMINATE SENTENCES IN PRACTICE.

The recommendation is that upon conviction for crime the prerogative of the courts be simply to determine whether liberty shall be restricted, leaving the question, within due bounds, as to the extent and duration of imprisonment, to another tribunal of experts, which shall adjudicate only after careful observation of the criminal during imprisonment, and when he shall be adjudged a safe citizen,—that all criminals (with the possible exception of some of the most aggravated crimes on the ground of expediency) when committed to prison shall be sentenced indeterminately, the period of their incapacitation to continue, under proper direction and treatment, until such reformation is wrought as, with reasonable certainty, renders them safe citizens. The full idea properly applied would of course operate to continue the necessary control over incorrigible convicts throughout their natural lives, and without regard to their particular crime. It would also return to society at the right time such as are duly prepared. With reasonable perfectness in administration the system must secure for society better protection than is now had, and would probably reduce the population of our prisons to the true minimum. It is, I believe, from the standpoint of protection that Bishop Whately wrote, first presenting the plan, and that others have written, either urging the necessity for it, or recommending the remedy. Among such writers should be mentioned Sir John Bowring, William Tallack, Esq., and the late Counsellor M. D. Hill, for forty years Recorder of Birmingham,—all of England. Dr. Marquardon, of Bavaria; Signor Martino Beltrani Scalia, Inspector of Prisons in Italy; Fr. Bruün, Inspector-General of Prisons in Denmark; Dr. Despine, of France, in favor of indeterminate sentence; and in our own country such men as the

late Dr. Wines, Gov. Baker, Messrs. Merrill and Milligan, Drs. Bittinger and Byers, and Hon. Robert C. Pitman. The Michigan State Board, including two governors and a distinguished lawyer and judge, recommended, in 1875, a reörganization of the criminal laws of the State on this basis.

There is, however, another view of the proposition quite as important, — one that has not found so full an explanation, — I refer to the importance of the indeterminate sentence plan for its influence upon the prisoner, and for the aid it affords in any proper preparation of him for society. Our own State having, in 1877 (chap. 173), enacted a law relating to the Elmira Reformatory, which, though imposing indefinite rather than indeterminate sentences, still embodies the principles of the full idea. I am able to speak of the value of the system as a disciplinary and reformative agent (for only the brief period of the law, of course), but nevertheless from administering it, and after an observation of its practical effects.

This law gives discretionary power to courts of record to commit to the Reformatory, — instead of the State Prisons, — young felons, first offenders, who are between the ages of sixteen and thirty years; the court not to fix or determine the period of imprisonment. The managers of the Reformatory may release at any date not beyond the expiration of the maximum term for which the prisoner might have been sent to the State Prison. The managers have power, during the period of legal custody, to conditionally release, and, in case of a violation of the conditions of release, to rearrest and return to the confines of the Reformatory. The managers are required to adopt a "mark system," showing the progress, or absence of it, in each man. They must make a quarterly record of this, and a semi-annual statement of it to the Secretary of State. They must meet at least twice a year to see personally the men, and decide upon the parole or release of any. The probable influence of this plan upon reformation may be more apparent when it is known that 82 per cent. of the inmates of the Reformatory have pleaded guilty before the courts, and that (under the law) they are conveyed from the place of conviction to the place of confinement by an officer of the prison selected for that purpose. There is a recognition of the kindly intent of the law, and an absence of the dissatisfaction and bitterness engendered by a definite sentence imposed at the time of trial, and which is necessarily retributive, if not vindictive, and of evil effect as before

described. Indeed, its chief value is seen in the state of mind it produces or enables, and in that it transfers treatment of criminals from bodily discomfort and pains or pain of any kind, whether bodily or mental, to the treatment of the mind; to make possible for it some rational conception of right living, some right desire to so live, and some reasonable expectation of realizing happiness from such a change. Charged as the government of the prison is, under the law and system, with the duty of restoring the prisoner to liberty, as soon as he can satisfactorily show some reasonable probability that he will live at liberty without violating the law,—and when he can be released without offence to society,—the officers and the prisoner have at once a common interest, and are laboring together for a common result, relieving, therefore, the usual sentiment of opposition existing in such cases to make discipline difficult. It may not be generally known that the first and great obstacle to the reformation of criminals consists in their own thoughtless ignorance of what it is that constitutes character, or their indifference and even repugnance to their own proper improvement,—and it is found, practically, very difficult to interest them. They are so occupied with counting the passing time, it flies so swiftly, and the hopes or depressions associated with the predetermined date of release so absorb them, that there seems to be no place for repentance. The indeterminate and even indefinite sentence changes all this at the very beginning of his term, and the desire to be released, ever the strongest motive with prisoners, thus utilized for reformative ends, becomes an abiding and effective motive power for that purpose.

A very concise description of the system as applied in the Reformatory at Elmira has been made, and is as follows:

Upon the arrival of an inmate, always under charge of the transfer officer of the Reformatory, and after a night's rest, he is photographed, and, at the convenience of the Superintendent, is subjected to a long, searching, and instructive examination. The enquiry covers a large field—the family, the ancestors, the occupation of the parents, their habits, the habits of the prisoner, his literacy or the reverse, his own habits as to occupation, industry, regularity of performance and residence, his physical health and its grade of quality as among men, the natural capabilities of his mind, and present education or undevelopment, and, so far as may be, his moral state. Upon this examination an estimate is made,

and a plan of discipline or treatment prescribed. The new comer is instructed as to the plan of the institution, and the best way of availing himself of its benefits. After a bath and a surgical inspection he is clothed and assigned to work, according to the indications of the special case. He is now classed in the second or neutral grade of inmates. By any misdemeanor he may fall into the third or convict grade; or, by cheerful good behavior through six continuous months, he is entitled to promotion to the first grade. This second or neutral grade exhibits nothing of the convict character: no hair cropping, no lock-step marching. It is a probationary grade; in it the new comer makes a reputation. He may fall, he may rise.

In the third, or convict grade, the discipline is substantially that of an ordinary State prison. Strict separation from the upper grades at marching, meals, assemblies, and at night, shaving, enforced lock-step marches and silence.

In the first grade the privileges are but little less than those enjoyed by cadets in a military school. Good rooms, good dietary and table furniture, freedom of touch and motion, and, by-and-by, parole enlargement or conditional discharge. The estimate by which these pupils rise or fall, gain or lose standing, is threefold: 1, deportment; 2, industrial proficiency; 3, literary or intellectual growth. An account is kept in the office books, and every inmate has his own pass-book, which (as in banks) is written up for his information once a month.

The industries practised are chiefly brush-making and hollow-ware castings, and fitting, tinning and enameling iron. There is no letting of labor to contractors. Of course the domestic work of the institution, cooking, washing, tailoring, cobbling, &c., is performed by quite a company of the regular inmates, and quite a number are engaged in duties semi-official, as subalterns having to do with the routine and government of the establishment.

The school is organized and graded by a crop of approved teachers, selected from the schools of Elmira, and a course of scientific instruction by lectures is maintained. The school-rooms, and especially the large lecture-room, are bright and very attractive. Instruction is given by nine selected teachers. Proficiency in study is ascertained by monthly written examinations, and upon it depends in some degree the duration of the inmates' detention. This motive serves to arouse the dullest intellect. Complaints of

inaccuracy or injustice are freely and cheerfully listened to by the Superintendent, an appeal from his decisions may be taken to the managers, and, in extreme cases, the question and the evidence are heard by a jury of first grade prisoners who find a verdict. Enlargement on parole is ordered or authorized by the managers at their quarterly meetings.

A very comfortable hospital is provided for the sick. The hospital beds are for the most unoccupied, and the death rate is extremely small.

Religious ministration is provided by the lecturer for Protestants, and for Catholics, by a clergyman resident in Elmira. The prisoners do not show the dogged, sullen, driven look sometimes met in the penitentiaries. They work with a will under the stimulus of the natural, healthful motive, *something to gain.* The first offender entering here is at once put upon a course calculated to conserve his self-respect, cultivate his self-control, industrial efficiency and intellectual growth. Passing through the grades with a gradual relaxation of restraints, he is finally tested by a period of parole, and then, when really installed in the current of healthful society and business, he receives his absolute release.

The present number of inmates, (March, 1881,) is .		710
Domiciled within the Reformatory, ...	500	
In legal custody, but out on parole, ...	210	
Total, ...		710

The grade *status* of the five hundred is as follows, viz:

In the neutral grade, before described, two hundred and twenty-five (225), or forty-five *per centum* of the whole.

In the first grade, a prefatory stage immediately preceding conditional release, two hundred and eleven (211), or forty-two and two-tenths *per centum;* and in the third or convict grade, twelve and eight-tenths *per centum.*

The whole number released on parole has been three hundred and seven (307), of which number ninety-seven, having performed satisfactorily for the parole period of six months or more, are absolutely released. The remaining two hundred and ten, still in legal custody, are at present situated as follows, viz:

One hundred and fifty-two (152) are in correspondence and doing well. Eighteen (18) have ceased correspondence,—one-half at least are estimated as doing well, and the other half have

probably left the State. Eleven (11) have voluntarily returned, sick or out of situations, to be relocated by the Superintendent. Two (2) died while on parole. Twenty-one (21) were brought in for violating their parole, but without crime; while three (3) were brought in having been charged with crime but not convicted. Three (3) absconded.

The average period of detention within the Reformatory of those who have been paroled, is nineteen (19) months.

There are no statistics showing satisfactorily the conduct of criminals released from the State prisons at the expiration of their definite sentence. It is known, however, that of those confined here on definite sentence, who were committed previous to the new law, and discharged at the expiration of their term, some have been since received into the State prisons for crime, while it cannot be as yet ascertained that any of our men paroled have been so received.

There must be a great advantage not only in the system under which men are detained here during imprisonment, but also in the system of release. The statistics as to the three hundred and seven (307) released show, beyond peradventure, that society has today good protection as against all but twelve (12), namely, the one-half of the eighteen who ceased their correspondence, and the three who absconded. If to the present number imprisoned there be added the remaining two hundred and ninety-five (295), it gives seven hundred and ninety-five young felons held under restraint and training. If this system of sentence, well administered, is applied to the prisoners of a State, where public sentiment is enlightened and reasonably pure, a veritable and observable preventive of crime will be had.

The reformation of criminals is frequently retarded too, by the rigid prison rules, by the watch-dog surveillance, and by the reproofs and punishments required to govern, in the absence of that coöperation of the prisoner himself, only to be surely had upon this plan. The indeterminate sentence, with a wise system of rewards, such as may be arranged under it, so enlists the prisoner with the officer, that this obstacle is removed. I have administered under the definite system, and have used some of the sharper prison punishments, and can, therefore, say from experience, that no punishment can compare in efficiency for government with the force of a mark system, based on the indeterminate

sentence. The controlling power is radically different too, the one being extraneous to the man himself, which, when removed, leaves him substantially as he was before, and always, a dangerous subject; while the other develops control within himself, an absolutely indispensable quality of character to insure safe citizenship. I verily believe, with a nice classification of prisoners under this system, prison punishments, properly so called, may be almost, if not entirely dispensed with. There are yet other important considerations in favor of this measure. It removes the date for determining the duration of imprisonment away from the time of trial, with its excitements, its prejudices, and any influence of popular clamor, so that it is more likely to be based on the real character of the criminal, and the actual need of society for protection. It secures the return of reformed prisoners to society at the right time, and under the most favorable circumstances, regulating the degree of restraint, as well as its duration. It enables the speedy correction of errors and wrongs, sometimes unwittingly inflicted upon young offenders, in the hurry of trials in metropolitan courts not only, but also the correction of errors possible to be made by the prison managers, in releasing improper subjects. At least they may rearrest and return to confinement or rid the State of the presence of such men.

In short, and in any view, it must be that the undetermined sentence plan will give greater protection to society, from criminals once convicted and imprisoned; it will promote the reformation of such as may be reformed, and the remainder it will restrain. It must also operate to reduce the prison population to its true minimum; to be composed of such, and such only, as really require restraint.

III. CHANGES IN AMERICAN SOCIETY.

BY MRS. JULIA WARD HOWE, OF BOSTON.

(Read Friday, September 10.)

I have been invited to speak to you today concerning changes in American society. In preparing to consider this subject, I cannot but remember that the very question of social change is to some people an open one. The supposition of any real onward movement in society is as unwelcome and as untrue to these persons as was Galileo's theory concerning the revolution of the earth around the sun. They will assert, as indeed they may, that the same crimes are committed in all ages, with the same good deeds to counterbalance them, and that the capital tendencies of human nature are always substantially the same. This, also, must be allowed. The error of these friends consists in overlooking the most characteristic and human of these tendencies, which is that of progressive desire. This trait, deeper and stronger than the mere love of change, pushes the whole heterogeneous mass of humanity onward in a way from which there is no return.

The laws of human motive and action, meanwhile, remain as steadfast and immovable as the laws by whose application Galileo made his discovery. To discern at once the steadfast truth and its metamorphic developments will be the task of the greatest wisdom.

When Theodore Parker invited the religious world to consider the transient and the permanent elements of Christianity, he made a popular application of a truth long known to philosophy. This truth is that life, in all of its aspects, exhibits these two opposite qualities or conditions. Much is transient in the individual, more is permanent in the race.

The study of anthropology, so greatly enriched today by discovery and investigation, would give us much to say under both of these heads, but most, I think, under the last.

I remember that in reading Livy's history of the second Punic war, in our own war time, I was struck by certain resemblances between the time in which he wrote, and that in which I read him. When I learned from his pages that the merchants and ship-owners of ancient Rome managed to impose the most worthless of their vessels upon the government for the transport of troops and provisions, I exclaimed, "What Yankees these Romans were!"

In reading some well-known satires of Horace, I have been struck with the resemblance of the ancient to the modern bore. Boileau's famous take-off of the dinner given by a *parvenu*, is scarcely more than a French adaptation of the feast of Nasidienus, as described by the Roman bard, who was Boileau's model.

In Virgil's account of the good housewife, who rises early in order to measure out the work of the household, and in Solomon's description of the thrifty woman of his time, one sees the value set upon feminine industry and economy in times far removed from our own, yet resembling it in this appreciation.

On the other hand, the dissimilarity of ancient and modern society is equally seen in the same mirror of literature. The mention of matters which, by common consent, are banished from decent speech to-day, the position of Woman, from the vestal virgin, buried alive for breach of trust, to the *devium scortum*, whom Horace frankly invites to his feast, the gross superstition which saw in religion little save portents and propitiation, — these mark on the dial of history an hour as distant from our own in sympathy as in time.

You will wish to hear from me some account of changes which have come within the sphere of my own observation, both as I have been able to see for myself, and to compare what I have seen with what I have received from the generation immediately preceding my own. Let me remind you that, with all the advantages of personal observation, it may be more difficult for us to give a true account of the age to which we belong than of more distant times, upon which thought and reflection have already done their critical and explanatory work. Familiarity so dulls the edge of perception, as to make us least acquainted with things and persons making part of our daily life. Mindful of these difficulties, I will do my best to characterize the threescore years which have carried me into and out of the heart of the nineteenth century.

I have seen in this time a great growth in the direction of liberal thought, of popular government, of just laws and useful institutions. I have seen human powers so multiplied by mechanical appliances as to destroy the old measures of time and distance, and almost to justify the veto once laid by the great Napoleon upon the use of the word "impossible": "*Ne me dîtes jamais ce bête de mot*," said he; and it has now become more *bête* than ever.

What feature of society has not changed in the phantasmagoria

of these wonderful lustres? Each decade has made a fool of the one which went before it. Whether in the region of extended observation and experiment, or in that of subtle and profound investigation, human effort has seemed in this time to put itself at compound interest, working at once with matters infinitely little and with matters infinitely great, and surely introducing mankind to a higher plane of comfort and coöperation than has been reached in anterior ages.

While the mechanism of life has thus been brought much nearer to perfection by the labor of our age, the principles of life remain such as they have always been.

Pile luxury as high as you will, health is better, and the body of a well-fed and not over-worked ploughman is, nine times out of ten, a better possession than the body of a man of fortune, especially if he be at the same time a man of pleasure. Marshal and gild the pomp of circumstance, and do it homage with bated breath, character remains the true majesty, honor and intelligence its prime ministers. Money can help people to education, by paying for the support of those who can give it. But money cannot excuse its possessor from the smallest of the mental operations through which, if at all, a man comes to know what, as a man, he should know.

The great *desiderata* of humanity still remain these: to preserve the integrity of nature, the purity of sentiment, and the coherence of thought. The great extension of educational opportunities which we see today, should make the attainment of these objects easier than in ages of less instruction. But while the pursuit of them is ever normal to the human race, the inherent difficulties of their attainment remain undiminished. Without self-discipline and self-sacrifice, no man today attains true education, or the dignity of true manhood. For here comes in the terrible fact of man's freedom as a moral agent.

Could our age possess and administer the powers of the universe to its heart's content, in that heart would yet rest the issues of its life and of its death.

The period of which I have to speak has certainly witnessed great improvements in the theory of hygiene. The old heroic treatment of diseases has nearly disappeared. The nauseous draughts, the blood-letting and blisters, have given place to moderate medication, the choice of climate and the regulation of diet. Women

have been admitted as copartners with men in the guardianship of the public health. Athletic sports help the student to fresh blood and efficient muscle, without which the brain sickens and perishes.

But even in this department, how much is left to desire and to do! Our greatest and richest city is still festering with the corruption that breeds disease. No board of health seems to have power to sweep its side streets and dark alleys. Fashion keeps her avenues clean, and neglects the rest of the vast domain, for which she has her reward in many a ghastly epidemic. The late Edward Clarke, of Boston, — heaven rest his soul! — could alarm the whole continent with his threats of the physical evils which the more perfect education of one sex would entail on both. But he has left no public protest against the monstrosities of toilet which deform and mutilate the bodies of women today, nor against the selfish frivolity of life in both sexes, which is equally inimical to true motherhood and to true fatherhood.

I have seen in fashions of dress and furniture the curious cycle which my elders foretold, and which it takes, I should think, half a century to fulfil. My earliest childish remembrance is of the slim dresses which display, as much as is possible, of the outlines of the figure. I remember the *élégantes* of Gotham walking the one fashionable street of fifty years ago, attired in pelisses of pink or blue satin. A white satin cloak, trimmed with dark fur, seemed, even to my childish observation, a chill costume for a pedestrian in the heart of winter. My mother's last Paris bonnet, bought, probably, in 1825, appeared to her children, twenty years later, such a caricature, that pious hands destroyed it, in order that we might have no ludicrous association with the sweet young creature whose death had left us babes in the nursery.

After many fluctuations and oscillations, I have seen modern head-gear near of kin to the subject of this holocaust. I have seen the old forms and colors return to popular favor. I have even heard that the very white satin cloak, which seemed *outré* to the critic of six years, has been worn and greatly admired in the recent gay world of Paris. The return in these cases, it must be said, is not to the identical point of departure. Progress, according to some thinkers, follows a spiral, and is neither shut in a circle, nor extended in a straight line. The hoops of our great-grandmothers are not the hoops which we remember to have seen or worn. Their eelskin dresses are not the model of ours. Still, the recurrence of

the same vein of fancy marks a periodical approximation to the region or belt of influence in which certain forgotten possibilities suggest themselves to the seeker of novelty, and in which the capricious, antithetical fancy delights to crown with honor all that it found most devoid of beauty a few lustres ago.

Does this encyclical tendency in the familiar æsthetics of life imply a corresponding tendency in the moral and intellectual movement of mankind? I fear that it does. I fear that seriousness and frivolity, greed and disinterest, extravagance and economy, in so far as these are social and sympathetic phenomena, do succeed each other in the movement of the ages. But here the device of the spiral can save us. We must make the round, but we may make it with an upward inclination. "Let there be light!" is sometimes said in accents so emphatic, that the universe remembers and cannot forget it. We carry our problem slowly forward. With all the ups and downs of every age, humanity constantly rises. Individuals may preserve all its early delusions, commit all its primitive crimes; but to the body of civilized mankind, the return to barbarism is impossible.

The æsthetic elaboration of ethical ideas, always a feature of civilization, becomes in our day a task of such prominence as to engage the zeal and labor of those even who have little natural facility for any of its processes.

The ignoring of this department of culture by our Puritan ancestors, had much to do with the bareness of surrounding and poverty of amusement which almost affright us in the record of their society. With all their insufficiency, these periods of severe simplicity are of great importance in the history of a people. The temporary withdrawal from the sensible and pleasurable to the severe verities of ethical study accumulates a reserve force which is sure to be very precious in the emergencies to which all nations are exposed. The reaction against the extreme of this is as likely to be excessive as was the action itself.

If we tend to any extreme, nowadays, it is to that of making Art take the place of thought, as may somewhat appear in the general rage for illustration and decoration.

The ministrations of Art to ethics are, indeed, unspeakably grand and helpful. The cathedrals of the Old World, and its rich and varied galleries, preserve for us the fresh and naïve spirit of mediæval piety. Religious art, indeed, becomes almost secularized by its

repetitions; yet each of its great works has the isolation of its own atmosphere, and speaks its own language, which we reverently learn while we look upon it.

Of all arts, music is the one most intimately interwoven with the ethical consciousness of our own time. The oratorios of Handel and of Mendelssohn so blend the sacred text and the divine music, that we think of the two together, and almost as of things so wedded by God, that man must not seek to put them asunder. When I have sat to sing in the chorus of the Messiah, and have heard the tenor take up the sweet burden of "Comfort ye my people!" I have felt the whole chain of divine consolation which those historic words express, and which link the prophet of pre-Christian times to the saints and sinners of today. In far-off Palestine I have been shown the plain on which it is supposed that the shepherds were tending their flocks when the birth of the Messiah was announced to them. But, as I turned my eyes to view it, my memory was full of that pastoral symphony of Handel's, in which the divine glory seems just muffled enough to be intelligible to our abrupt and hasty sense. Nay, I lately heard a beloved voice which read the chapter of Elijah's wonderful experiences in the wilderness. While I listened, bar after bar of Mendelssohn's music struck itself off in the resonant chamber of memory, and I thanked the Hebrew of our own time for giving the intensity of life to that mystical drama of insight and heroism.

The Transcendentalists of our own country made great account of the relation of art to ethics, and perhaps avenged the Puritan partiality by giving art the leading, and ethics the subordinate place in their statements and endeavors. But the masters of the transcendental philosophy in Europe did not so. Spinoza, Kant, and Fichte were idealists of the severest type. Standing for the moment between the two, I will only say that the danger of forgetting the high labors and rewards of thought in the pleasure of beautiful sights and sounds is one to which the highest civilization stands most exposed. To think aright, to resolve and pray aright, we must retire from those delights to the contemplation of that whose sublimity they can but faintly image, as we pass with joy from the likeness of our friend into his presence.

Love of ornament is by no means synonymous with love of the beautiful. The taste which overloads dress and architecture with superfluous irrelevancies, is often quite in opposition to that true

sense of beauty which is indispensable to the artist and precious to the philosopher. "*To kalon*," the Greeks said. Was it a naïve utterance on their part? Was it through their poverty of expression, or their want of experience, that the same word with them signified the good and the beautiful? No. It was through the depth of their insight, and the power of their mental appreciation, that they so stamped this golden word as that it should show the supreme of form on one of its faces, and the supreme of spirit on the other.

The social domain of religion has also undergone a change. In my early life, I remember, that all earnest and religious people were supposed to live out of the great world, and to keep company only with one another, and with the subjects of their charitable beneficence. The disadvantages of this course are easily seen. Free intercourse with the average of mankind, is one of the most important agencies in enlarging and correcting the action of the human mind. The exigencies of ordinary intercourse develop a sense of the dependence of human beings upon each other, and a power corresponding to the needs involved in this interdependence. The religious susceptibilities of individuals, which are at once very strong in their character and very uncertain in their action, are liable to become either exaggerated or exhausted by a course of life which should rely wholly upon them for guidance and for interest.

Let us, therefore, by all means, have saints in the world, keeping to their pure standard, and recommending it more by their actions than by their professions. But these saints must be brave as well as pure. Unworthy doctrine must not escape their reprobation. When a just cause is contemned, they must stand by it. If the world shall cast them out in consequence, it will not be their fault. The social leagues which group themselves around the various churches of today, seem to me a feature of happy augury. It is the office of the church to inspire and direct the tone of social intercourse, and these associations should greatly help it to that end. I lately heard Wendell Phillips complain that church exercises nowadays largely consist of picnics and other merry-makings. Only a little before, Mr. Phillips, in his reply to Mr. Parkman's article against Woman Suffrage, had spoken of the growth of social influence as a good.

It does, to be sure, look a little whimsical to read on the bulletin of a Methodist church such announcements as this, — "Private

theatricals for the benefit of the Sunday-school." But Wesley introduced the use of secular tunes in his church on the ground that the devil should not have all the good music. Neither should he monopolize the innocent amusements with which, if they are left to him, he does indeed play the devil.

Although the great ocean will always hold Europe at arm's length from us, yet the currents of belief and sympathy bring its various peoples near to us in various ways. I remember to have taken note of this long before the ocean steamships brought the eastern hemisphere within a few days' journey from our own seaboard, and very long before the time-annihilating cables were dreamed of. The French have always had with us the prestige of their social tact and sumptuary elegance. The English manners are affected by those among us who mistake the aristocracy of position for the aristocracy of character. The Italians rule us by their great artists in the past, and by their subtle policy in the present. The Germans have, as they deserve, the preëminence in music, in metaphysics, and in many departments of high culture.

I have not long since been taken to task by a writer in a prominent New York paper for some strictures regarding the quasi-omnipotence of money in the society of today. The writer in question enlarged somewhat upon the greatly increased expenditure of money in our own country, as if this must be considered as a good in itself. He concludes his statement by remarking that Mrs. Howe has never studied the proper significance of the money question. I desire to say here only that I have not neglected the study of this question, which so regards the very life of society. One of its problems, I have ventured to decide for myself, viz., whether the luxury of the rich really supports the industry of the poor.

The æsthetic of luxury is a mean and superficial one. The critique of luxury is compliant and cowardly; and, despite its glittering promise to pay any price for what it desires, luxury orders poorly, pays poorly, and in the end undermines the credit of the State, the very citadel of its solvency. I regret and deplore its prevalence today, and consider it, not as the safeguard, but as the most dangerous enemy of republican institutions.

In our America, aye, even in our Puritan New England, the day has come in which economy is a discredit and poverty a disgrace. With the common school ever at work to lift the social level, unfolding to the child of the day-laborer the page which instructs the

son of the peer, the cry is still that money is God, and that there is none other. One may ask, in the business streets, whether rich people have any faults, or poor people any virtues. A woman who sells her beauty for a rich dower is honored in church and in State. Both alike bow to the money in her hand. One proverb says that Time is money, as if it were

"Only that, and nothing more."

Another proverb says that Money is power. And in this form, no doubt, it receives the most fervent worship, for luxury palls sooner or later, while ambition is never satisfied. But we constantly meet, on the other hand, with instances in which money is not power. Money does not give talent or intelligence. You cannot buy good government, good manners, or good taste. You cannot buy health or life. Do some of you remember the shipwreck, some twenty years ago, of a steamer homeward-bound from California? The few survivors told how the desperate passengers brought their belts and bags of gold to the cabin, and threw them about with a bitter contempt of their worthlessness. States have such shipwrecks, in which avenging Fate seems to say to those who have sacrificed all for wealth, "Thy money perish with thee."

The heroics of history are full of the story of great ends, accomplished by very small means. Now a handful of resolute men hold the forces of a great empire in check, and beat back the ocean surge of barbarism from the marble of their strong will. Now a single martyr turns the scale of the world's affection by throwing into the balance the weight of one small life. Now a State with every disadvantage of territory, cursed with sterility, or exposed to the murderous overflow of the salt sea, takes its stand upon the simple determination to conquer for itself a free and worthy existence. Frederick of Prussia and his small army; Washington, with his handful of men,—in these and so many other instances, we admire the attainment of mighty ends through means which seem infinitesimal in proportion to them. How shall it be in our country, to which Nature has given the widest variety of climate, soil and production? Shall we become a lesson to the world in the opposite direction? Shall we show how little a people may accomplish with every circumstance in its favor, and with nothing wanting to its success but the careful mind and resolute spirit? God forbid!

The belief in pacific methods of settling international differences has made a noticeable progress in my time.

In my school-days I remember a grave Presbyterian household at whose fireside I one day saw an elderly man seat himself, with little notice from the members of the family. I inquired who he might be, and was told, with some good-natured laughter, that this old gentleman was the American Peace Society, *i. e.*, the last surviving member of that association. This was a humorous exaggeration of the truth. Judge Jay, of New York, was living at that time, and all the enthusiasm of the peace cause lived in him, and no doubt in many others. I have remembered the incident, nevertheless; and when I have seen the stately Peace Congresses held in Europe and elsewhere, when I have seen rapacious England submitting to arbitration, when I have seen the flag of military prestige go down before the white banner of Peace, as in the late change of the ministry in that country, I have remembered that day of small things, and have learned that the faith of individuals is the small seed from which spring the mighty growths of popular conviction and sympathy.

The extensive wars which have taken place within the last forty years, as extensive and as deadly as any the world ever saw, are sometimes quoted in derision of those who believe, as I do, in the sober, steady growth of the pacific spirit among people of intelligence. The reasons for this advance lie deeper than the vision of the careless observer may reach. Within the period of our own century the value of human life to the individual has been greatly increased by the wide diffusion of the advantages of civilization. The value of the individual to the State has become greatly increased by the multiplication of industrial resources, and by the immense emigration which at times threatens to drain the older society of its working population. The spread of education has at once undermined the blind belief of the multitude in military leaders, and toned down the blind ferocity of instinct to which those leaders are forced to appeal. Wars of mere spoliation are scarcely permitted today. Wars of pure offence are deeply disapproved of.

The military and diplomatic injustice of past times has left unsettled many questions of territory and boundary which will not rest until they shall be set right. The populations which war has plundered and subjugated, lay their cause before the world's tribunal. In aid of this, the friends of the true law and order are ever busy in forming a nucleus of moral power, which governments will be forced to respect. Thus, though the war-demon dies hard, he

is doomed, and we shall yet see the battlements of his grim cathedrals places for lovers to woo and for babes to play in.

In religion I have seen the dark ministrations of terror give way before the radiant gospel of hope. I remember when Doctrine sat beside the bed of death, and offered its flimsy synonym to the eyes upon which the awful, eternal truth was about to dawn. I remember when a man with a poor diploma and a human commission assumed to hold the keys of heaven and hell in his hands, and to dispense to those who would listen to him, such immortality as he thought fit. I remember when it went hard with those who, in forming their religious opinions, persisted in daring to use the critical power of their own judgment. They were lonely saints; they wandered in highways and byways, unrecognized, excommunicated of men. No one had power to burn their bodies, but it was hoped that their souls would not escape the torment of eternal flame. I have seen this time, and I have lived to see a time in which these rejected stones, hewn and polished by God's hand, have come to be recognized as corner-stones in the practical religious building of the age. What a discredit was it once to hear Theodore Parker! How happy are they now esteemed who have heard him! Let not Mr. Emerson's urbanity lead him to forget the days in which polite Boston laughed him to scorn. Brook Farm was once looked upon as a most amusing caricature. But when the world learned something about Nathaniel Hawthorne, George Ripley, William Henry Channing, John Dwight, and George William Curtis, the public heart bowed itself with remorseful homage before the ruined threshold of what was, with all its shortcomings, a blameless temple to ideal humanity.

It is quite true that every change which I have seen in the society of my time cannot be said to be, in itself, for the better. The price of progress, like that of liberty, is eternal vigilance.

A time of religious enfranchisement may induce a period of religious indifference. Cosmopolitan enlargement may weaken the force of patriotism. The charity of society may degenerate into an indifference concerning private morals, which, if it could prevail, would go far towards destroying public ones. Humanity ever needs the watchman on the tower. It needs the warning against danger, the guidance out of it. I can imagine a set of prophets less absolute than the Hebrew seers, whose denunciation of evils, near or present, should always couple itself with profound and

sober suggestions of help. And this will be the work of faith in our day, to believe in the good which can overcome the evil, and to seek it with earnest and brave persistence.

Let me return for a moment, very briefly, to what I touched upon just now, the great changes in religious thought which this century has witnessed. What manifold contrasts have we observed in this domain! What a wild and wide chase in the fields of conjecture! What impatience with the idols of the past, historical and metaphysical! There have been moments in the last twenty years in which one might have said to the religious ideals of past ages that the time had come in which every one who raised his hand against them thought that he was doing God service. This iconoclasm had its time, and, one supposes, its office.

But the religious necessities of mankind are permanent, and will outlast any and all systems of pure criticism. The question arises, in all this havoc of illusory impressions, Who is to provide for the culture and direction of those instincts of reverence which are so precious to, so ineradicable in the race? We must ask this service of those who believe that religion is, on the whole, wiser than its critics. Those who have been able to hold fast this persuasion will be the religious trainers of our youth. Those who have relinquished it will have no more skill to teach religion than a sculptor will have to feed an army.

The greatest trouble with human society is, that its natural tendency leads it, not to learn right measure through one excess, but, on becoming convinced of this, to rush into an opposite excess with equal zeal and equal error. The mechanism of society requires constant correction in order to keep up the succession of order and progress through and despite this proneness to extravagance and loss of power. This rectification of direction without interruption of movement, is the office of critical and constructive thought. Precious are the men, and rare as precious, who carry this balance in their minds, and, while the ship lurches now on this side, and now on that, strain after the compass with masterful courage and patience. We have all known such men, but we have known, too, that their type is not a common one.

Among all who are out of work today, so far as the market is concerned, those men of careful and critical judgment are the least called for, and the least wished for by the majority of men. Headlong enthusiasm, headlong activity, headlong doubt and cynicism,

the prevalence of these shows the force with which the present whirl of the spindle was cast. Fair and softly, my quick-flying century. To find out whether you are going right or wrong, whether you are faithful or faithless, solvent or bankrupt, you must have recourse to these same slow, patient men and women, who try such questions by a more accurate and difficult method than that of the popular inclination.

I find that the philosopher Kant, writing more than a hundred years ago, remarks that in so sociable an age as his own, Culture must naturally be expected to assume an encyclopedic character. It will, he says, necessarily desire to present a manifold number of agreeable and instructive acquisitions, easy of apprehension, for entertainment in friendly intercourse.

These words seem prophetic of the efforts after general information, with a view to conversation as an accomplishment, which have constituted a marked feature of American and English society within forty years. In the dissolving view of the public predilection, this object has lost much of its prominence. The ornate and well-rounded periods of the conversationist are not more in request, nowadays, than were the high-sounding sentiments of Joseph Surface to Sir Peter Teazle, when experience had shown him their emptiness.

Blunt speech and curt expression rather are in favor. The heroines of novels are supposed to fall in love with men of a somewhat brutal type. Adonis is out of fashion. Hercules pleases, and even Vulcan is preferred. One thinks that the influence of the mercantile spirit may be recognized in this change. Long speeches and roundabout statements are found not to pay. The man who listens to them with one ear, hearkens with the other for the ocean telegrams, news of the stock market, considers the maturing of a note, the success or failure of a scheme. When there is no one to listen, loquacity itself will grow economical of breath.

The world is quite right in its tacit protest against over-talk. A great deal of empty, irrelevant speech is liable to be imposed upon the good nature of society in the garb of instructive conversation. It is weary to listen by the hour to men or women who principally teach you their own opinion of their own erudition. But woe to the world if its haste and greed should ever be such that the true teacher should want an audience, the long lessons of philosophy find interpreters, but no pupils.

The present is, on the whole, an encyclopedic, cosmopolitan era. I suppose that it succeeds as a reaction to one of more special and isolated endeavor. The example and influence of Goethe have had much to do with the formation of the ideas of culture which have been prevalent in our time. This wonderful man went, with such a happy tact, from one thing to another. In poetry he did so much, in high criticism, so much, in science, so much, and in world-wisdom so much! How naturally were the lovers of study, who made him their model, led to undertake as he did, to render the most eminent service, to attain the highest honors in a dozen different departments!

But the man Goethe was more wonderful, even, than his writings. His individuality was too powerful to suffer loss through the variety of his pursuits. He could be at once a courtier and a philosopher, a poet and a scientist, a critic of morals and a man of the world, and in all things remain himself.

I sometimes wonder why we Americans are so apt to show, in our conduct and remarks, an undue preponderance of what the phrenologists term love of approbation. This is an amiable and useful trait in human nature, which may degenerate into a weak and cowardly vanity, or even into a malignant selfishness. To desire the approbation which can enlighten us as to the merits of what we have done, or attempted, is wise as well as graceful. To make constant laudation a prominent object in any life is a capital mistake in its ordering. To prefer the praise of men to the justification of conscience, is at once cowardly and criminal. I observe these three phases in American life. I value the first, compassionate the second, and reprobate the third. Surely, if there is any virtue which a republican people is bound to show, it is that self-respect which is the only true majesty, and which can afford to be as generous and gracious as majesty should be.

It is, perhaps, natural that many of us should, through a want of experience, mistake the stand-point of people conspicuous in the older European society as greatly superior to our own. We can learn much, indeed, from the observation of such a standpoint; but, in order to do so, we must hold fast our own plain, honest judgment, as we derive it from education, inheritance, and natural ability.

It must, I should think, be very tedious and very surprising to Europeans to hear Americans complain of being so young, so crude,

so immature. This is not according to nature. Imagine a nursery full of babies who should bewail the fact of their infancy. Any one who should hear such a complaint would cry out, "Why, that's the best thing about you. You have the newness, the promise, the unwasted vigor of childhood, — gifts so great that Christ enjoined it upon holy men to recover, if they had lost them."

If our society is young, its motto should be the saying of Saint Paul to Timothy, "Let no man despise thy youth." The great men of our early history deserve to rank with the ripest products of civilization. Was Washington crude? Was Franklin raw? Were Jay, Jefferson, and Hamilton immature? The authorities of the older world bowed down to them, and did them homage. The Republicans of France laid the key of the bastile at the feet of Washington. Franklin was honored and admired in the court circle of Louis XVI. There was a twofold reason for this. These men represented the power and vigor of our youth; but our youth itself represented the eternal principles of truth and justice, for whose application the world had waited long. And thinking people saw in us the dignity of that right upon which we had founded our hope and belief as a nation.

I will instance a single event of which I heard much during my last visit in Rome. A German, naturalized in America, and who had made a large fortune by a railroad contract in South America, had purchased from some European government the title of "Count." He was betrothed to the sister-in-law of a well-known California millionaire, whose wife has been for some years a resident of Paris, where her silver, her diamonds, and her costly entertainments are matters of general remark. All of these parties are Roman Catholics. The wedding took place in Rome, and was signalized by a festival, at which twelve horses belonging to the bridegroom, were ridden in a race, whose prizes were bestowed by the hand of the bride. The invitations for this occasion were largely distributed by a monsignor of the Romish Church, and the king of Italy honored the newly married pair by his presence.

Not long after this, I read in the Italian papers that this very count had become a candidate for a seat in the Italian Parliament. I suppose that money will assist an election as much in Italy, as elsewhere. The monsignor who interested himself so efficiently about the invitations for the wedding party, was none other than the master of ceremonies of Pope Leo XIII. He would, no doubt,

have taken even greater interest in the return of his friend to the Parliament. I do not know whether this gentleman has ever succeeded in usurping the place of a representative of the Italian people; but the chance of his being able to do so lay in the American gold of which he had become possessed. Here is one instance of the direct relations between Rome and America which Americans so placidly overlook.

In this day of the world, hope is so strong, and the desire for an improved condition so prevalent, that much may be looked for in Europe as the result of the legitimate action and influence of America. But, if American capital busies itself with upholding the shams of the old world, if American taste and talent are led and pledged to work with the reactionary agents everywhere against the enfranchisement of the human race, where shall the hope of the world find refuge?

Goldsmith has a touching picture of the emigrants who, in his time, were compelled to leave the country which would not feed them, for a distant bourne, which could, by no means, be to them a home. But let us assist at the embarkation of another group of exiles. These people have been living abroad, and are about to return home. The rich, beautiful land whose discovery has changed the fortunes of the human race, invites them on the other side of the Atlantic. The flag which represents the noblest chapter of modern history waves over them.

From dynastic, aristocratic Europe, they go to inherit the work of an ancestry, heroic in thought and action. They go to the land which still boasts a Longfellow, a Whittier, an Emerson, a Harriet Beecher Stowe. Are they glad? Are they happy? No. They have learned the follies of the Old World, not its wisdom. They are not going home, they are going into exile.

Let us look a little at their record in the Europe which they regret so passionately. They went abroad with money, and the education which it commands, with leisure and health. What good deeds may they not have done! What gratifying remembrance may they have left behind them! Shall we not find them recorded as donors to many a noble charity, as students in many a lofty school? We shall, indeed, sometimes. But, in many cases, we shall hear only of their fine clothes and expensive entertainments, with possible mortifying anecdotes of their fast behavior.

If the mother leaves a daughter behind her, it is likely to be as

the wife of some needy European nobleman, who despises all that she is bound to hold dear, and is proud not to know that which it should be her glory to understand.

I said at Concord, and I say it today, that the press is much affected by the money debauch of the period. Let us examine the way in which this result is likely to be brought about.

A newspaper or periodical is almost always an investment in which the idea of gain is very prominent. This expectation may either regard what the proposed paper shall earn as a medium of information, or the profit of certain enterprises which its statements may actively promote.

Special organs are founded for special emergencies, as is a campaign sheet, or for the advocate of special reforms, like the anti-slavery "Standard" of old, and the "Woman's Journal" of today. These papers rarely repay either the money advanced for them, or the literary labor bestowed upon them.

Under the head of its earnings, the newspaper depends upon two classes of persons, viz., its advertisers and its subscribers. Either or both of these may be displeased by the emphatic mention of some certain fact, the expression of some certain opinion. "If we tell this unwelcome truth," say the managers, "we shall lose such and such subscribers. If we take this stand, some of our wealthiest advertising firms will choose another medium of communicating with the public." The other set of considerations just spoken of, the enterprises which are to be favored and promoted, may still more seriously affect the tone and action of the paper, which will thus be drawn in a twofold way to lend itself to the publication only of what it will pay to say.

The annals of journalism in this country will, no doubt, show a fair average of courageous and conscientious men among its chiefs. I am willing to believe all things and to hope all things in this direction. But I must confess that I fear all things, too, in view of a great power, whose position makes it almost an irresponsible one. And I should regard with great favor the formation of an unofficial censorship of public organs, in view, not so much of what may be published, as of what is unfairly left out of the statements and counterstatements of conflicting interests.

Of all the changes which I can chronicle, as of my own time, the change in the position of women is, perhaps, the most marked and the least anticipated by the world at large. Whatever opinions

heroic men and women may have held concerning this, from Plato's time to our own, the most enlightened periods of history have hardly given room to hope that the sex in general would ever reach the enfranchisement which it enjoys today. I date the assurance of its freedom from the hour in which the first university received women graduates upon the terms accorded to pupils of the opposite sex. For education keeps the key of life, and a liberal education insures the first conditions of freedom, viz., adequate knowledge and accustomed thought. This first and greatest step gained, the gate of professional knowledge and experience quickly opened, and that of political enfranchisement stands already ajar. The battle can have but one result, and it has been fought, with chivalrous temper and determination, not by one sex against the other, but by the very gospel of fairness and justice against the intrenched might of selfish passion, inertia, and prejudice. Equal conditions of life will lift the whole level of society, which is so entirely one body that the lifting or lowering of one half lifts or lowers the other half. This change, which in the end appeared to come suddenly, has been prepared by such gradual tentatives, by such long and sound labor that we need not fear to lose sight of it in any sudden collapse. There are women of my age, and women of earlier generations, who have borne it in their hearts all their lives through, who have prayed and worked for it, without rest and without discouragement. Horace Mann was its apostle, Theodore Parker was its prophet, Margaret Fuller, Lucy Stone, and a host of wise and true-hearted women, whom the time would fail me to name, have been its female saints. It was in nature; they have brought it into life; even as Christ said, "My Father worketh hitherto, and I work." The slender thread which crossed the dark abyss of difficulty was not the silken spinning of vanity, nor the cobweb fibre of madness. From the faith of pure hearts the steadfast links were wrought, and the great chasm is spanned, and is ready to become the strong and sure highway of hope, for this nation, and for the nations of the earth.

The customs of society prescribe the mental garb and gait proper to those who desire the favorable notice of their peers in their own time. As these are partly matters of tradition and inheritance, we can learn something of the merits and demerits of a generation by studying the habits of familiar judgment which it hands down to its successor. A narrow, ill-educated generation leaves behind it

corresponding garments of rule and prescription, to which the next generation must, for a time, accommodate itself, because a custom or a fashion is not made in a day. The rulers of society seem often more occupied in dwarfing the mind to suit the custom, than in enlarging the custom so as to fit it to the growth of mind. The most dangerous rebellions, individual and social, are natural revolts against the small tyranny which perpetuates the insufficiency of the past.

The copper shoes which so cramp the foot of a female infant, in China, as to destroy its power of growth, are not more cruel or deleterious than are the habits of unreflecting prejudice which compress the growth of human minds until they, too, lose their native power of expansion, and the idol Prejudice is enthroned and worshipped by those on whom it has imposed its own deformity as the standard of truth and beauty.

The heavy tasks which nature imposes upon women leave them less at leisure than men to reform and readjust these inherited garments. The necessity for prompt and early action obliges them to follow the intuitive faculties, as all must do who have not time to work out the problems of the reasoning ones. The instinct of possession is a ruling one in human nature, and a woman inheriting a superstition, or a prejudice, holds fast to it because it is something, and she has got it. It seems to her a possession. It may be a mischievous and unfortunate one, but it will take a good deal of time and thought to find that out. Those who have the training of women's minds often train them away from such a use of time and from such a labor of thought. Hence, the fatal persistence of large classes of women in superstitions which the thinking world has outgrown, and the equally fatal zeal with which they impose the same insufficient modes of judgment upon their children.

I pray this generation of women, which has seen such enlargements of the old narrow order regarding the sex, I pray it to deserve its high post as guardian of the future. Let it bequeath to its posterity a noble standard of womanhood, free, pure, and, above all, laborious.

The standard of manhood really derives from that of womanhood, and not *vice versa*, as many imagine. However, we may receive from tradition the order of their material creation, in that of training and education, the woman's influence comes before that of the man, and outlasts it.

The figure of the infant Christ dwells always in our mind, accompanied by that of the gracious mother who gave Him to the world. Let the fact of this great gift prefigure to us the august office of woman. Hers be it also to preserve and transmit from age to age the Christian doctrine and the Christlike faith. And, in order that she may fully realize the glory and blessedness of giving, let her remember that what is worthily given to one time, is given to all time.

APPENDIX.

The Department of Education has issued the following Circular and Register:

CIRCULAR.

We have been made familiar with the habits of plants and animals from the careful investigations which have from time to time been published,—the intelligence of animals, even, coming in for a due share of attention. One author alone contributes a book of one thousand pages upon "Mind in the Lower Animals." Recently some educators in this country have been quietly thinking that to study the natural development of a single child is worth more than a Noah's Ark full of animals. Little has been done in this study, at least little has been recorded. It is certain that a great many mothers might contribute observations of their own child's life and development, that might be at some future time invaluable to the psychologist. In this belief the Education Department of the AMERICAN SOCIAL SCIENCE ASSOCIATION has issued the accompanying Register, and asks the parents of very young children to interest themselves in the subject,—

1. By recognizing the importance of the study of the youngest infants.

2. By observing the simplest manifestations of their life and movements.

3. By answering fully and carefully the questions asked in the Register.

4. By a careful record of the signs of development during the coming year, each observation to be verified, if possible, by other members of the family.

5. By interesting their friends in the subject and forwarding the results to the Secretary.

6. Above all, by *perseverance* and exactness in recording these observations.

From the records of many thousand observers in the next few years it is believed that important facts will be gathered of great value to the educator and to the psychologist.

FIRST SERIES.

REGISTER OF PHYSICAL AND MENTAL

Development of (Give the Baby's full name.).....

Name and occupation of the father?.....

Place and time of father's birth?.....

" " mother's " ?.....

" " baby's " ?.....

Baby's weight at birth?..... at 3 months?.....

" " 6 months?..... at 1 year?.....

Is baby strong and healthy, or otherwise?.....

At what age did the baby exhibit consciousness, and in what manner?.....

AT WHAT AGE DID THE BABY

smile?.....

recognize its mother?.....

notice its hand?.....

follow a light with its eyes?.....

hold up its head?.....

sit alone on the floor?.....

creep?.....

stand by a chair?.....

stand alone?.....

walk alone?.....

hold a plaything when put in its hand?.....

reach out and take a plaything?.....

appear to be right or left handed?.....

notice pain, as the prick of a pin?.....

show a like or dislike in taste?.....

appear sensible to sound?.....

notice the light of a window or turn towards it?.....

fear the heat from stove or grate?.....

speak, and what did it say?.....

HOW MANY WORDS COULD IT SAY

at 1 year?..... at 18 months?..... at 2 years?.....

Will the mother have the kindness to carefully answer as many as possible of these questions and return this circular, before July 15th, 1881, to

MRS. EMILY TALBOT,

Secretary of the Education Department of the American Social Science Association,

66 MARLBOROUGH STREET, Boston, Mass.

BOSTON, March 1, 1881.

In connection with the inquiry indicated above, the following letter from Dr. Preyer, of Prussia, addressed to Mrs. Talbot, will be found of interest.

DR. PREYER TO MRS. TALBOT.

JENA, 22d November, 1880.

DEAR MADAM:

It has given me much pleasure to read your letter and the extract of a paper of mine on "psychogenesis," or "the growth of volition, intellect, etc., in infants," and I readily comply with your wish to have this paper sent off without delay. You will find it reprinted in the book accompanying this letter, p. 199–237. I am about to publish an extensive work on the same subject, which is to contain all my observations and a careful analysis of the phenomena which the development of the faculty of speech presents. This book is to be printed next year. I am sorry to say that a reliable investigator of the whole subject is not known to me. Your newspaper seems to be right in calling the field "as yet almost unbroken." Professor Kussmaul's "*Seelenleben des neugeborenen Menschen*" (Leipzig and Heidleberg, 1859), and Mr. C. Darwin's biographical sketch of an infant, contain some good observations, but both are very short. Many excellent remarks on infants and very young children I find in Mr. C. Darwin's book, "On the Expression of the Emotions." The German books on the subject, although numerous, are nearly worthless; many are sentimental, giving no facts, or, what is worse, false statements. B. Sigismund's "*Kind und Welt*" (1851) is an exception.

The case you mention, of a child of eleven months expressing its wishes and inducing the nurse to comply with them, cannot be definitely looked at as a case of self-consciousness, but only of consciousness. This is one of the most intricate questions to decide, — *when* the child distinguishes its own body, head, hands, etc.,

from other objects, as belonging to himself. The first time a child says "I" and "me," in the correct sense, it may be considered to have passed the limit. The formation of ideas by associating impressions, as well as the formation of general ideas (*Begriffe*) by uniting similar qualities of different objects, is intellectual work done by the child long before it knows anything of its own individuality. It seems to me that self-consciousness does not arise suddenly, but by degrees, after many experiments have shown the difference between touching his own body and external objects with his little hand.

I have been occupied with psychogenetical problems since nearly four years, continually collecting facts. Should you be able to awaken some interest for these most important investigations (I mean the physiology and psychology of infants), I think the trouble taken would soon be repaid by the results.

I am, sincerely,

DR. WM. PREYER, Professor.

P. S. Perhaps the observations and experiments on the senses, (sight, hearing, smell, taste) of new-born animals and infants which I published in "Kosmos," (Zeitschrift herausgegeben von E. Krause,) Vol. III., p. 22–37, 128–132, (1878 Leipzig) may have some little interest. In England Romanes has written very able papers on the development of instinct and intelligence. His address is 18 Cornwall Terrace, Regent's Park, London.

Yours, etc., W. P.